IVINS CITY
PLANNING COMMISSION
MINUTES
December 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 Pam Gardiol, Commissioner Perry Brown, and Commissioner Doug Clifford.

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

Audience Attending: Bonnie Kline, James Barden, Michael Cook, Sharon Quillinan, Sharon Barton, Charles Hurt, Jerry Miyahara, Bob Hermansen, Wayne Rogers, Lance Anderson, as well as others that did not sign in.

A. Acknowledgement of Quorum
B. Flag Salute--Commissioner Pam Gardiol
C. Invocation--Commissioner Pam Gardiol
D. Disclosures--None.
2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None.
3) PUBLIC HEARING AND ACTION ITEMS-
A. Public Hearing regarding Retreat at Snow Canyon Preliminary Plan (west of West), located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara-Applicant.

Mike Haycock stated that this is a new application to set it apart from the other application for the first set of phases we have approved. This is located at 400 South and Puerto Drive between Black Desert Resort and south of Padre Canyon. It is multi-zoned; R-M, R-1-10 and R-1-7.5 and RE-37. TRC has reviewed the lot sizes and they match the zone. **Commissioner Pam Gardiol** stated the purpose of the Preliminary Plan states subdivision boundaries, dimensions, lot sizes, etc. It also talks about open space. Where is the open space other than a detention pond and do-not-disturb areas? **Mike Haycock** stated that in the combined areas there is a calculation we follow. There is a trail system that goes along the riverbed. There is required open space and amenities because of the zone it is in. They meet those calculations required for both portions combined. **Commissioner Pam Gardiol** stated that the Sensitive Lands Committee recommended no disturbance 20 ft of the offset area of the Class C ridgelines. Portions of the lots may overlap the no disturbance zone. **Mike Haycock** stated that the line in the middle of those two specific lots is the ridge. We are protecting 20 ft of each side. Because of elevation changes we went above the 20 ft on each side and the applicant agreed. It will be distinguished on those lots on the plat as no-build areas. **Commissioner Pam Gardiol** inquired if it will state that specifically? **Mike Haycock** stated yes on the plat. **Commissioner Pam Gardiol** inquired about clarification of fill dirt that will be covered with gravel and mulch to match native soil? **Chuck Gillette** stated there are a lot of options with those. It will match. The fill doesn't matter but it will be covered with the same-colored soil. **Commissioner Pam Gardiol** stated that new road cuts through the east of the class C ridgeline. What does minimal disturbance there mean? What is the measure of success? Does the city and the developer understand the same

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thing? **Chuck Gillette** stated that we will see that in the construction drawings and it will show detail as to where the sidewalk ends and the slope soils start. There is hard rock to cut through so they will cut through that minimally. That is what that refers to. We will be the department reviewing construction drawings. **Commissioner Pam Gardiol** inquired if there will be clarification at that time? **Chuck Gillette** stated yes more information will be provided. When the Sensitive Lands Committee went out to the property, the way the ordinance is written they could have put another lot in, but it is a cool place that they have chosen to preserve. It was easy to visualize with the stakes in the ground where the road would go and where the ridgeline will be. The applicant went above and beyond what the sensitive lands ordinance requires. **Commissioner Perry Brown** inquired where the open space is located besides the sensitive lands and the detention pond? **Mike Haycock** stated this area will be either city or HOA-owned and there is a lot of land and an opportunity for open space. The calculation is 15% density and add amenities and the open space calculation that is done by units. They have met both of those for the overall project. They have met that calculation. **Dale Coulam** stated west of the wash is zoned Multi-Family and that has open space requirements as well and has some amenities. That is West of Hamblin and all of that, including the wash area, is included in open space for the entire west side project. **Mike Haycock** stated yes. **Commissioner Pam Gardiol** inquired if the open space is open to the community? **Dale Coulam** stated that the city will take the trail from 400 South up to Mesa Vista but south of that we leave to the HOA. **Chairman Dave Robinson** opened the Public Hearing. Charles Hurt stated he lives near Puerto and wondered if there will be a roundabout in that intersection? **Chairman Dave Robinson** stated it appears so. Charles Hurt inquired if the existing homes will remain? They won't be demolished? **Chairman Dave Robinson** stated this is only on the empty land. Sharon Quillinan stated she lives at 420 South and Puerto Drive and she has a big concern about the roundabout. **Chairman Dave Robinson** stated that is outside this development. The city has future plans for that. This development will not be putting the roundabout in. Sharon Quillinan inquired about the construction and if they will be using Puerto Drive? **Chairman Dave Robinson** stated they are bringing an access road in from Harmons. That is where all the construction vehicles will come in. Sharon Quillinan inquired on the height restriction on the houses on 400 South? **Dale Coulam** stated that is zoned residential so 25 feet is the maximum. Multi-Family could go up to 35 feet and is in the interior of the project. Sharon Quillinan inquired if they will level that area? **Chuck Gillette** stated that the preliminary grading plan does level those areas in front of the ridgeline. Sharon Quillinan inquired when does construction start? **Chuck Gillette** stated that is driven by the market. Sharon Quillinan inquired do they do these phases first? **Chairman Dave Robinson** stated it doesn't necessarily have to be. Sharon Quillinan inquired if the Hamblin Parkway will be constructed before houses are sold? **Chairman Dave Robinson** stated they will construct their portion and Black Desert Resort will construct their portion. There is a gap still between this subdivision and Santa Clara. Sharon Quillinan stated to take into consideration that the 400 South and Puerto Drive traffic is horrible there and to consider the residents that already live there. **Chuck Gillette** stated that we are requiring a connection to Snow Canyon Parkway before any certificate of occupancy. The connection through Santa Clara may be longer. There is a good chance that we will build the roundabout at the same time that the development is getting built. It is cheaper for us to do it at the same time and share in those costs. Michael Cook stated he lives on Padre Canyon Drive. He appreciates the Commission's service to the city. This project was bifurcated due to a conflict of the interpretation of the sensitive lands ordinance and the map. The developer threatened litigation over the interpretation, and the main issue was this

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ridgeline as detailed in the map created by our city engineer Chuck Gillette. That interpretation responsibility is given to the Building and Zoning Administrator Mike Haycock. In the Sensitive Lands Committee meeting June 6th Mike Haycock gave his interpretation that the ridgeline must be protected based on ordinances at that time. Mike Haycock had stated in that meeting that we can't amend the map unless they pulled their application. He understood that to mean that in order for the city to amend the ordinance and the map they needed to pull their application and that has now been done. A significant change and a lot of great work was done by the Sensitive Lands Committee, but we are out of line with the administration on the rules you are supposed to follow. The application has not been pulled. **Chairman Dave Robinson** stated this is a brand new application. **Dale Coulam** stated for clarification, this is a phased development and phases 5 through 7, west of west that we are looking at, has been filed as a separate application. Under our subdivision ordinances, if you have a phased plan, which phases 1 through 4 were the initial preliminary plan that got approval, they could either have proceeded with that application or as they elected, file a new application. Nothing prohibits that and this is treated as a separate application for this half. Procedurally it is fine and sound. For the record he personally is not aware of any threatened litigation. Mike Haycock was referring to the original application, Phases 1 through 4. He may or may not have realized that our subdivision ordinance allows them to file a new application for a portion of that phased development. As for the other phases on the original application, they will expire. **Mike Haycock** stated he was referring to the original preliminary plan application. The Sensitive Lands Committee saw that application and proceeded forward with that application. Then the developers brought in a new application for Phases 5 through 7 west of west. **Chairman Dave Robinson** stated if you want to come and talk with them how it all went that is fine. We are arguing things that are not on part of our agenda. Michael Cook stated that a satisfactory explanation needs to be given to the residents. It is confusing and does not appear to follow the rules. Short of a satisfactory explanation, we can prepare for a declaratory judgment and have a law judge take care of this. **Chairman Dave Robinson** stated since you are threatening litigation that is outside of our realm, so we will cut you off there and move forward. Liza Ganz stated she lives on Bickmore and Michael Cook raised concerns about the process. It is in our best interest to go to the walkthrough of how we got where we got. This is the time to take the time to make sure it is in order and make a good decision. She couldn't find the public hearing link for Zoom on the agenda. She knows Zoom is a courtesy to the public. She found it on the calendar on the website. Perhaps other people didn't get the chance to make a comment. No other comments on Zoom. Hearing no other comments, **Chairman Dave Robinson** closed the Public Hearing.

B. Discuss and consider recommendation of Retreat at Snow Canyon Preliminary Plan, (west of West), located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara-Applicant.

Commissioner Perry Brown inquired if there was a Zoom link problem? It is usually posted on the agenda. **Dale Coulam** on the web agenda it may not show up. It has been noticed as an electronic meeting and the Zoom link is there. Lisa Ganz was able to find it because it was properly noticed as an electronic meeting. **Commissioner Doug Clifford** stated he applauds the work done by the applicant and the city and detailing to us what they were looking at with the sensitive lands issue. He likes the buffering that has been done around the area, and that stays true to what we have done for several years. **Commissioner Perry Brown** stated that he would like to applaud the work done by the Sensitive Lands Committee and he likes the buffering. He is interested in whether the applicant had considered larger lots on the west side because of what

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they back up to? **Dale Coulam** stated that area is zoned R-1-10 and they have complied with that zoning. Nothing requires them to go larger. **Commissioner Perry Brown** stated he understands that. He is just curious about their thought process. Bob Hermansen with Bush and Gudgell stated that they feathered these from existing homes, but topography and grading had a lot to do with meeting their lot size for that zone. We did look into all of that and especially with the road alignment as well. This was the best overall transition. **Commissioner Perry Brown** stated there is a line that might be a wall that starts at Lot 64 to Lot 73 and runs along the open space area, correct? Bob Hermansen stated that is a phase line. **Commissioner Perry Brown** inquired what they visualize occurring within the RM zone as far as structures? Bob Hermansen stated they are a two-story alley-loaded product type that has garages on the back and are detached units like single-family homes. **Commissioner Perry Brown** inquired if they would be owned by individuals or rented? Bob Hermansen stated these are not a nightly-rental product type. These would be either long-term owner occupied or long-term rentals. **Commissioner Pam Gardiol** stated that in Ivins we have talked about community and a legacy for future generations. She lauds their commitment and the things they have done. Can you speak to what you are creating, and how it creates a sense of place and identity in the community? Jerry Miyahara stated we have a vision for this area and went through the process with the Sensitive Lands Committee on the rock outcropping and through that process that valuable feature will create a center for this area. The area in front of that rock outcropping is significant and we will work with the city on how much or little we want to activate that space, such as benches and shade structures for new and current residents. Although we could have, we did not want to design homes all along there. We put the road instead to help create an amazing, beautiful feature and an amenity for the community and existing residents. It will not be gated or private. Most of the product is dictated by the approved zoning and the desire for transitional zoning, which we totally agree with. These are in alignment with the recent survey with large homes and lots, which was the desired product. This is complementary to all the neighborhoods surrounding it, including trails, sidewalks and bike paths that will wind its way through this development. My comments are regarding this agenda item specifically, phases 5 through 7. There is a large open space next to Tuacahn Wash. The HOA may have to take over maintenance costs. That corridor will most likely be maintained as a public access area. **Commissioner Pam Gardiol** inquired about blue clay, because there is an issue where properties are being developed and creating damage to adjacent areas that already exist? How are you protecting that area? Wayne Rogers with AGEC stated that we have done a series of borings and the bedrock dips down to the northeast. Where the outcropping is springdale sandstone and then whitmore, dinosaur canyon to the top of moenkopi, and also basalt in the northeast corner. We have mapped all those layers and identified anything that could be a problem. There is no blue clay on this site. There are expansive soils in this area, in small thin layers. That requires over-excavation down a few feet. We have also done the preliminary grading plan and identified the cuts and fills and are doing that as part of the construction. **Commissioner Pam Gardiol** stated that it would be helpful to see the timeline to know that all items are in order and have been done appropriately.

MOTION: Commissioner Doug Clifford moved to approve recommendation of Retreat at Snow Canyon Preliminary Plan, (west of West), located at approximately Puerto Drive and 400 South. SITLA-Owner. Jerry Miyahara-Applicant.

SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

Chairman Dave Robinson	AYE

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Commissioner Pam Gardiol	AYE
Commissioner Perry Brown	AYE
Commissioner Doug Clifford	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss proposed amendments to the Resort Commercial/Resort Mixed Use Zone.

Mike Haycock stated that there are areas that are still zoned Resort Commercial and Councilmember Mike Scott wants us to address those requirements. Part 1 and Part 2 takes care of Resort Mixed-Use but there are no requirements for Resort Commercial. Resort Mixed-Use comes from the Moderate-Income Housing requirement. Resort may not be the word we want to continue with because this is more of a commercial mixed use. But the Resort Mixed-Use was hard to apply. Maybe rename it Commercial Resort. We don't want to tell landowners that already have the Resort Commercial zone that we don't want to do resort anymore and make them change their zone. A lot of this is semantics. How we want it titled will be helpful. Resort Mixed-Use is more of a commercial mixed-use that is more the State requirement. **Chairman Dave Robinson** inquired if we can drop the word "resort" altogether? Just make it Commercial Mixed-Use? **Dale Coulam** stated that we have removed resort from all residential zones, so when you say resort, it has to be commercial. So it would be a mixed use and defined under the commercial table of uses. Resort Commercial does not require that it has a mixed-use component. It can all be commercial if they chose. If they choose to put in residential, they can. You can always do something that is a lesser use than what is required in a zone. There is no need to say commercial resort because resort is commercial. **Chairman Dave Robinson** inquired if he thinks we should leave the name alone then? **Mike Haycock** stated if you want to take Commercial Mixed-Use out that is an option. We don't have any Resort Mixed-Use zones right now. We would then have Resort Commercial in one area and Commercial Mixed-Use in a separate chapter. We can look at the titles or look at separating the two. **Dale Coulam** stated that Lance Anderson has the only section of Resort Mixed-Use shown on the land use plan. It could be changed as far as zoning goes. Either define Resort Mixed-Use more clearly so it is not as difficult to apply, or we may want to change to Resort Commercial to match other properties. Movara is a Mixed-Use, which is C-1 mixed with Multi-Family. It has a Mixed-Use overlay and they are using that use with their residential and commercial. Many years ago, he had proposed clarifying the overlays. There is a need to go through the overlays to update and clarify them to make them more usable. We have one Resort Mixed-Use on the zoning map and we have Commercial Mixed-Use on the map, which works. **Mike Haycock** stated that the zone Lance Anderson actually has is difficult to apply as written. He has started a recommendation for that definition and use would look like now. The basis would be parking below, commercial on the main level, and housing above. Moderate-Income Housing requires us to develop a zone along transportation routes that needs to have a commercial use to it, along with housing with enough density to attract businesses at the same time. To get this type of project developers are looking for a lot of people in one area. We need some density in an area that would support business and provide Moderate Income Housing at the same time. There is a way to write this the Ivins way, and to ask for amenities and open space and still meet those requirements. **Chairman Dave Robinson** stated he got hung up on the name, but this is not a resort. It is Commercial Mixed-Use. **Mike Haycock** stated we can look at the table of uses at the same time and see at what level is a conditional use permit required. It could be a hotel and be moderate income housing at the same time. **Commissioner Doug Clifford** inquired aren't we trying to make something fit that doesn't? **Mike Haycock** stated then we will need to go back to the State and

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pick a different route. **Commissioner Doug Clifford** stated you are trying to get places to have the ability for housing and not drive and be able to walk, but it would not have the amenities of a resort. **Mike Haycock** stated that is why you need to create amenities. We need to either change the definition of the chapter, but we already have someone with a Resort Mixed-Use designation. Maybe we call it Commercial Mixed-Use in a different chapter. We have to get there somehow. **Chairman Dave Robinson** inquired where does it go to fit within the city? There is only one location possible, which is on Center Street or Hwy 91, but there is nothing left there. **Dale Coulam** stated that we have two Commercial Mixed-Use properties, one in Kayenta by the reservoir and Movara, and then one Resort Mixed-Use on the zoning map. **Mike Haycock** stated we could put it in the C-1 zone. **Chairman Dave Robinson** stated that is the only zone possible to use. We need to expand Ivins City and get more dirt. **Mike Haycock** stated there are many different ways to go about this, but the parameters are that it needs to be at our transportation corridors and to figure out a zone and define it the way the State is asking for. **Commissioner Pam Gardiol** stated she attended the virtual "Envision Utah" meeting. Their paradigms fit beautifully on the Wasatch front. It does not fit here. The intent is good, but we are trying to put a round peg in a square hole. To do it the Ivins way as we go back to the State they need to know that we are forcing something here. **Mike Haycock** stated he feels the same way. We are trying to buffer but that is hard to do within 30 feet. Our map as it sits now cannot put density just between two streets like many other cities can. The State may force densities on us, so we need to prepare for that to happen. If cities don't get it right, they will use legislation to do our densities for us. There are some tough decisions to be made. **Commissioner Pam Gardiol** stated we need to articulate our constraints. **Mike Haycock** stated that Salt Lake City just changed to any residential zone can build a four-plex to attack their housing problem. You can be in a single-family zone and have a four-plex next to you. Cities are all approaching this differently. We just need to decide which way Ivins is going. **Commissioner Doug Clifford** stated there are smaller parcels within the city boundaries in the older section of the city that are too small to buffer, but we may need to look at those and put things in there. **Mike Haycock** stated to bring that type of project to Ivins we need a commercial base or put some density there. **Chairman Dave Robinson** stated C-1 next to Center Street is not able to be buffered next to it. **Commissioner Doug Clifford** stated you can't. **Mike Haycock** stated maybe that is where the conversation ends tonight but look at where you want things to go and look at the semantics and get from Resort Mixed-Use to a Commercial Mixed-Use without changing the property owners' rights. Commercial Mixed-Use has more opportunities than Resort Mixed-Use. **Commissioner Pam Gardiol** stated that in our General Plan we said we will support our existing resorts. **Mike Haycock** stated yes and there are some not yet built that are zoned that way. If we didn't, it would be easy to make the change. **Commissioner Doug Clifford** inquired when we have existing zoning that we may not want to have it in the future how do you go about getting rid of it? **Mike Haycock** stated that Black Desert Resort has a Resort Commercial zone with a development agreement and a conditional use permit and it is set for them. We have both State requirements and what our City Council wants us to do. Both the Resort Commercial and the Resort Mixed-Use zones need work. Or moved. Or both. RM controls densities with amenities and height. The base density is 15% and 25 feet. You get extra density if some buildings are less than 15 feet. Keeping all of them low is another density bonus. Take ten acres and cover 10% of it can be bumped to 25% of it by keeping things low. Amenities are another bonus up to 100% of the amenities. **Chairman Dave Robinson** stated and in effect, that raises the cost. The land is where the cost is. **Mike Haycock** stated that it is a starting point to having

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some open space to go along with a project. Regulating densities too much does raise costs. We can't guarantee a project will come in either. We just promised to develop one that could. **Chairman Dave Robinson** stated we should do this even if we really can't figure out the space that it is hard to come by to fulfill the State's requirement. **Mike Haycock** stated yes, and we will go the direction you want to go, but this is the starting point. **Commissioner Doug Clifford** stated it is a bit of a sham because we are doing something we know no one is going to use. The State will then decide a plan is not enough and then we will have to show how we are implementing it. If we don't have an inkling on how to implement it, why change it? Let's be up front and tell them we don't have any way to do it. **Mike Haycock** stated there is a big push for the missing middle and also state funding is available to help developers in these types of projects. It is possible. 20 years ago, there were live/work stations built under CD funding but they couldn't find anyone to qualify for them. They had to change the parameters to make them work realistically. **Chairman Dave Robinson** stated he just goes back to...where? **Mike Haycock** stated anywhere along the transportation corridors. Get some thoughts on this and tell us where you want the direction to go. **Commissioner Doug Clifford** stated pass on your information from the State to help us. **Mike Haycock** stated they want density enough to support a commercial base. This is not easy. Semantics is where we need to start and what chapters these need to be in.

B. Discuss and consider approval of the Ivins City Planning Commission Meeting Schedule Dates for Calendar Year 2024.

Chairman Dave Robinson stated that we don't need a January 2nd meeting. There is nothing to schedule for it. **Commissioner Pam Gardiol** inquired if we have a required number of meetings per year? **Dale Coulam** stated not for the Planning Commission. City Council is required to hold one a month.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Schedule Dates for Calendar Year 2024, as amended to remove the January 2nd meeting. Roll Call Unanimous.
SECOND: Commissioner Perry Brown
VOTE: The motion carried unanimously.

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

C. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for December 5, 2023.

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for December 5, 2023.
SECOND: Commissioner Doug Clifford
VOTE: The motion carried unanimously.

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

5) REPORTS

A. Planning Commission

Commissioner Pam Gardiol inquired about the Governor providing money for development of the missing middle? **Mike Haycock** stated he talked at the Southern Utah Land Use Committee meeting. There is not a lot of detail. We have brought a lot of businesses in this area but have no housing for them. That will go forward in the legislative session. They may provide more funding and direction then. **Commissioner Pam Gardiol** stated that email she received gave the contact person for cities to contact to move forward with that funding. **Chairman Dave Robinson** stated it may not be appropriate for cities to reach out to developers for projects like that. **Dale Coulam** stated if you knew someone who was involved or had a way of doing an affordable housing project, we could reach out. **Commissioner Pam Gardiol** stated she will reach out to the point person.

B. Chairman

C. Building and Zoning Administrator, Mike Haycock

D. City Manager/Attorney Dale Coulam

Dale Coulam stated that the agenda on Thursday is to see and discuss the General Plan. It came on Thursday night's agenda because the outgoing Councilmembers wanted to hear about it. Commissioner Pam Gardiol's summary has already been read to the Council. He doesn't know how much more introduction is needed, but the invitation is there if the Planning Commission wants to appear and make a presentation to the City Council to explain what has been done. **Commissioner Perry Brown** stated we only need to be there to answer questions. **Dale Coulam** stated it is last on the agenda but if you want to make a presentation, the Mayor can move it up. **Commissioner Perry Brown** stated he will attend to answer questions. **Chairman Dave Robinson** stated he will too. **Dale Coulam** stated we can move it up to the first discussion item. He attended the Santa Clara Planning Commission meeting for their consideration of a new annexation policy plan and expansion area map that included a couple areas within the boundaries of Ivins City. He opposed that. It also included areas that overlapped our current expansion area map that dates back to 2005. There was an attempt to update our map in 2019 but for some reason was never completed but it had the same areas as the 2005 map. We need to update our annexation policy plan and expansion area map and we will start that after the first of the year and on the heels of what Santa Clara is doing, and work in conjunction with them. There is an area on our map that is in Santa Clara's boundaries. We will remove that and negotiate on some of the overlap areas. The annexation policy plan is part of the General Plan and needs to be updated.

E. Items to be placed on future agendas.

Mike Haycock stated that the new land use commission is Mike Haycock, Tom Jorgensen and Planning Commission Chair, which is Dave Robinson. **Dale Coulam** stated it will be called the Final Plat Review Authority. 4:00 pm meetings, as needed. **Mike Haycock** stated it could be on Tuesdays before the Planning Commission.

6) ADJOURNMENT

MOTION: Commissioner Perry Brown moved to approve ADJOURNMENT
SECOND: Commissioner Doug Clifford
VOTE: The motion carried unanimously.

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

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