**3) CITIZEN COMMENT & REQUEST FOR FUTURE AGENDA ITEMS**

**Mayor Hart** indicated that Jon Graf submitted a request for the Council to consider revising Ivins fencing ordinance to have more flexibility. This came about while they were getting ready to install their fencing along Highway 91 and realized that what they wanted to do did not exactly fit in there. **Jon Graf** stated that the ordinance reads that there is to be a solid 6 foot block or concrete wall. As he was looking up the corridor, there are a few areas that go over 6 feet and some that go a few inches over six feet and most of them average between 4 and 5 1/2 feet, with the exception of those couple of spots on the north side of the road that have some 6 foot walls or just over 6 feet. His request was that the Council think about allowing them to be more in alignment with everything else along there instead of just 6 feet. The City also likes to have some variation in the wall going up and down and inquired if that means he is 6 feet and higher than 6 feet or does that mean he is 6 feet and lower than 6 feet? There are just a few things he would like to clarify. His request is that they are able to be between 4 and 5 1/2 feet going up and down as it climbs through. They lowered the property down between 3 and 5 feet all along the property where the wheels on the ground would be for any coaches or trailers that would be parked in there. On their side, if they have a 6 foot wall, it would be between 9 and 11 feet. **Mayor Hart** commented that this is a legislative request asking the Council to review the policy and commented that he is not permitted to do what he is asking without some kind of an exception and refereed to Dale Coulam. **Dale Coulam** indicated that was correct. The Council could make it an exception and it to the list of special exceptions. The ordinance that actually is at issue here is the RV Resort ordinance, it is not the general fencing ordinance. Instead of doing a Conditional Use Permit, the ordinance is all codified for the RV Resort and the ordinance says it is to be a solid 6 foot block wall to screen the views from Highway 91 and to match the other walls along Highway 91. The purpose is to blend in and be of similar design and height and that may be where the City may have some flexibility. The City would be changing the RV Resort ordinance which would be a zoning text amendment which would go first to the Planning Commission for a Public Hearing for their recommendation and then it would come before the City Council for a Public Hearing for the City Council to make a decision. **Mayor Hart** inquired of Mike Haycock if when he goes out and inspects a wall, does he determine a height based on the high side of the terrain? **Mike Haycock** stated that his wall is a development wall and typically Jared Taylor in the Public Works department inspects the development walls but that as the terrain tapers down, the City would like it to average 6 feet on the fencing. If you look at the other neighborhoods up the way, there is some consistency through there on the newer walls. It is the older walls that are not consistence with Ivins ordinance because they pre-date the ordinance. **Mayor Hart** inquired if it is an average of 6 feet where you go above little and below a little? Mike Haycock indicated yes, within a block or two. Regarding the articulation, there are other places within a subdivision specifically, between 4 and 6 feet and in the zoning ordinance there are other walls that are articulated as well by ordinance. **Dale Coulam** clarified that what Mike Haycock is referencing is the fencing or wall ordinance generally but the ordinance at issue is the RV resort ordinance specifically. One question you could ask is, is it 6 feet from their side of the wall or the Highway 91 side of the wall? The RV Resort ordinance is clear that it is 6 feet so that its purpose is to screen the view from Highway 91. That would mean it is 6 feet from the Highway 91 side which would require going through the Public Hearing process before the Planning Commission and City Council. The City could expedite those Public Hearings and hold them back-to-back in the same week, noticing both Public Hearings. **Council Member**

**Scott** indicated that one thing he noticed when looked at the property, as to Dale Coulam's point about this coming from the RV Resort ordinance, to protect views from Highway 91 looking into the property but Highway 91 is a good couple of feet above this property. From Highway 91, it slopes down to where the wall will be and even a 6 foot wall from the Highway isn't going to block a lot of view. There will be a multi-use trail there and that will probably be down at the base of the 6 foot level so if one is walking on the trail, their eyes would just be seeing a wall and the mountain in the distance and maybe some buildings that are built there. It is at least worth considering the issue and letting the Planning Commission look at it then the City Council looking at it afterwards. **Mayor Hart** indicated that they understood that the Grafs' point is that their land is below natural grade approximately 4 feet and from that vantage point is a very high wall and the Grafs' were concerned about losing views and the impact of that to their project. **Jon Graf** agreed and stated that it is also the fact that the RV ordinance just says a 6 foot wall so does it need to be just a 6 foot wall or does it need to be varied? The regular wall ordinance for the City requires variation but the RV ordinance does not, it just says a 6 foot wall and not varied. **Council Member Barton** indicated that walking the property, there is a lot of wall there so varying the fence line should be considered because it is a lot of solid wall and if they can keep it more part of the Ivins look and feel, that would be to everyone's advantage. The **City Council** agreed that this should go through the expediated Public Hearing process before the Planning Commission and then the City Council two days after the Planning Commission meeting.