IVINS CITY STAFF REPORT
Planning Commission Meeting 6/4/2024

Agenda Item:	3A and 3B: Public hearing and discussion regarding amending Section 16.02.102 of the Ivins City Code regarding administrative interpretations ("Administrative Interpretation Code Change")
Submitted by:	Mike Haycock, Zoning Administrator
Recommended Action:	Move to:

(1) Recommend that the city council make the findings outlined in the staff report (see recommended findings below); and
(2) Recommend, based on those findings, that the city council enact Ordinance No. 2024-11 as currently drafted.

NOTICE: This staff report is for the use of Ivins City (the "City") staff, planning commission, and city council only. No applicant or member of the public should rely on it or its contents for any purpose. Neither this report nor its contents vest any rights of any kind with any applicant or member of the public.

BACKGROUND:

Current law provides that the zoning administrator is responsible to prepare and issue formal administrative interpretations of the zoning code when an applicant submits an application for an administrative interpretation. (ICC 16.02.102.) Ivins City staff is requesting that the planning commission recommend to the city council that the city council enact Ordinance No. 2024-11, which is intended to amend ICC 16.02.102 to require the city attorney to prepare and issue administrative interpretations of the zoning code. This is the first time the planning commission has considered this issue in the relevant past.

AUTHORITY AND PROCEDURE:*

As the approval of Ordinance No. 2024-11 would create and/or amend the law, it is a legislative matter. (*See* ICC 16.04.102 (stating that "[l]egislative proceedings establish new law"); ICC 2.01.301 (stating that "the city council shall exercise its legislative powers through ordinances.")) Thus, the city council's action will be upheld if it is reasonably debatable that Ordinance No. 2024-11 is "necessary to reasonably promote the interest and general welfare of the City and its residents." (ICC 16.04.102(2).) The planning commission exists to advise the city council on legislative matters pertaining to land use ordinances. (ICC 16.03.103(1); UCA 10-9a-302(1)(b).) As a recommending body, the planning commission should base its recommendation on the same standard – i.e., whether Ordinance No. 2024-11 is necessary to reasonably promote the interest and general welfare of the City and its residents. In addition, "[n]o amendment to a land use

ordinance may be recommended by the planning commission unless it is found to be consistent with the [Ivins City] General Plan." (ICC 16.05.101(2).)

The planning commission is required to conduct a public hearing. (ICC 16.05.109(2); UCA 10-9a-302(2).) If the planning commission opts to table discussion until a later date, the planning commission should, whenever possible, set the date for the continued discussion. (ICC 2.06.313.) If the planning commission fails to make a timely recommendation, the city council may consider the failure as a negative recommendation. (UCA 10-9a-302(4).)

Regardless of what action the planning commission takes, the city council will consider Ordinance No 2024-11 at a future city council meeting. If the city council adopts Ordinance No 2024-11, Section 16.02.102 of the Ivins City Code will, subject to any amendments the city council deems appropriate, including but not limited to amendments not considered by the planning commission, be amended. If the city council declines to adopt Ordinance No 2024-11, the zoning administrator will remain the staff member responsible to prepare and issue administrative interpretations of the zoning code. No other actions are anticipated.

*This statement of Authority and Procedure is not intended to be comprehensive. Ivins City reserves the right to apply any additional authority and/or procedures allowed by law.

ANALYSIS:

Adoption of Ordinance No. 2024-11 is in the best interests of the citizens of Ivins because it allows the city attorney's legal training and expertise to be brought to bear on questions of zoning code interpretation.

Adoption of Ordinance No. 2024-11 is consistent with the Ivins City General Plan because the General Plan suggests the City should make its land use decisions according to the Zoning Ordinance. (General Plan, pp. 40-41). Having the city attorney be responsible for rendering interpretations of the Zoning Ordinance will allow this objective to be met consistently.

RECOMMENDED FINDINGS:

Ivins City staff recommends that the planning commission recommend that the city council find that adoption of Ordinance No. 2024-11 is:

- necessary to promote the interest and general welfare of the City and its residents;
- consistent with the Ivins City General Plan; and
- appropriate for all the reasons identified in this staff report and by the planning commission in its discussion of this matter.

ALTERNATIVE ACTIONS:

As alternatives to recommending that the city council adopt Ordinance No. 2024-11, the planning commission has discretion to:

- recommend that the city council adopt Ordinance No. 2024-11 with specified amendments;
- recommend that the city council deny Ordinance No. 2024-11 based on specified findings contrary to the findings recommended by Ivins City staff in this staff report; or
- table consideration of this matter for further development and discussion.

SUPPORT MATERIALS:

- draft Ordinance No. 2024-11

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Respectfully submitted:

Mike Haycock, Zoning Administrator

Reviewed:

Bryan Pack, City Attorney