IVINS CITY STAFF REPORT
Planning Commission Meeting 9/17/2024

Agenda Item:	Discuss and consider approval of the Kwavasa Phase 2-B Preliminary Plan.
Submitted by:	Mike Haycock, Zoning Administrator
Recommended Action:	Move to:

(1) Make the findings outlined in this staff report (see recommended findings below); and

(2) Based on those findings, approve Kwavasa Phase 2-B Preliminary Plan, subject to existing law and a development agreement.

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:

Kwavasa Phase 2-B Subdivision is requesting that the Planning Commission approve a preliminary plan. This is a proposed subdivision consisting of 1 lot on 1.663 acres, The land use is Low Density Residential. The property is zoned RE-37 with a lot-averaging overlay.

This is the first time the planning commission has considered this preliminary plan.[1] Kwavasa Phase 2-B has been seen as an overall portion prior in the Kwavasa Development. The Subdivision will require a development agreement before final approval. This proposed preliminary plan does not have sensitive lands.

AUTHORITY AND PROCEDURE:[2]

A Preliminary Plan application is the second step in the subdivision process.[3] As the approval of the Preliminary Plan simply applies existing law to a specific application, it does not create and/or amend the law and is therefore an administrative matter.[4] Thus, the planning commission's action to approve the preliminary plan will be upheld if the preliminary plan materially conforms to the Ivins City code.

[1] The city council no longer approves preliminary plans pursuant to Section 15.04.203(3)(b) of the Ivins City Code.
[2] 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.
[3] The first step is a voluntary pre-application consultation. ICC 15.04, Part 1. The third step is the final plat. ICC 15.04, Part 3. No lots can be sold until the final plat is approved and recorded.
[4] ICC 15.02.102.

The purpose of a preliminary plan is to show staff and the planning commission that the subdivision conforms to the zoning, and subdivision code requirements and to verify utilities and grading before preparing the final mylar for signature and recording. The plan must include, among other things, the following elements:

- Property address, certified legal description prepared by a Utah licensed surveyor, acreage, dimensions and tax identification number;
- Vicinity map showing the project locations relative to city boundaries, major roads and minor roads that serve the property;
- Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, fencing, easements, rights of way, flood boundary, surface watercourse features, geologic hazards, parks, trails, open space, storm drain and sanitary sewer systems, topography (contours at maximum 2 foot intervals), survey monuments, section lines, other features and infrastructure on or adjacent to the property or as requested by the city manager, city engineer or other appropriate city staff member;
- Proposed subdivision boundary and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, curbs, gutters, park strips and landscaping, waterways, demolition, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drainage systems, detention areas and potential flood boundary, sanitary sewer system, utilities, soil erosion and sedimentation control plan and any other infrastructure or improvements on or adjacent to the property and any other information requested by the city manager, city engineer or other appropriate city staff member;
- Preliminary grading plan, as defined in chapter 2 definitions of title 15, Subdivision Regulations, and in accordance with the standard specifications;
- Designation of common areas and amenities available for use of residents, commercial area customers and the general public;
- Preliminary landscaping plan; Preliminary lighting plan; The acreage and legal description of the area to be subdivided; and
- All property lines of adjacent properties within one hundred fifty feet (150') of the boundary of the proposed subdivision with the names of the owners and the parcel tax identification numbers.[5]

The zoning administrator and the technical review committee have the responsibility to determine whether the Applicant's application is complete.[6] After the preliminary plan application is determined to be complete, the technical review committee reviews the application.[7] Once the applicant makes all necessary corrections consistent with the

[5] ICC 15.02.202 (3)
[6] ICC 15.04.203(2)(a)
[7] ICC 15.04.203(3)(a)

technical review committee's comments, the planning commission reviews the application.[8] If the proposed subdivision is a standard subdivision,[9] the Planning Commission does not need to conduct a public hearing.[10] If the Technical Review Committee determines that no complex issues exist (such as expansive clay soils, high traffic generation, high water usage, or other geologic hazards), the Planning Commission can proceed without the need for in-depth special technical reviews by third-party contractors.[11]

If the Planning Commission approves the preliminary plan, such approval will remain valid for 1 year from the date of approval.[12] If a final plat is not approved within that 1-year period, the Preliminary Plan expires and becomes null and void unless that Planning Commission grants a one-time six-month extension.[13]

ANALYSIS:

The Zoning Administrator determined that the application was complete. The Zoning Administrator further determined that the proposed use is a single-family home. The Technical Review Committee reviewed the preliminary plan on August 27, 2024 and determined that it conforms to the subdivision code requirements. The Technical Review Committee further verified utilities and grading are acceptable. They reviewed curb, gutter and sidewalk requirements as well as discussed drainage. In addition, the following were determined to be appropriate and included on the Preliminary Plan, as needed:

- Property addresses, legal descriptions prepared by a Utah licensed surveyor, acreage, dimensions and tax identification numbers;
- Existing streets (with names) and right of way widths, buildings, culverts, bridges, waterways, irrigation ditches and systems, wells, springs, utilities, fencing, easements, rights of way, flood boundary, surface watercourse features, geologic hazards, parks, trails, open space, storm drain and sanitary sewer systems, topography (contours at maximum 2 foot intervals), survey monuments, section lines, other features and infrastructure on or adjacent to the property or as requested by the city manager, city engineer or other appropriate city staff member;
- Proposed subdivision boundary and dimensions, streets (with names and widths), lot layout, lot sizes and dimensions, phasing, gross lot density, curbs, gutters, park strips and landscaping, waterways, demolition, sidewalks, fencing, easements, parks, trails, open space, public land dedications, storm and subsurface drainage systems, detention areas and potential flood boundary, sanitary sewer system, utilities, soil

[8] ICC 15.04.203(3)(b).
[9] A standard subdivision is one that "conforms to the zoning district in which it is located without seeking any density bonus or overlay." ICC 15.02.102.
[10] ICC 15.04.203(3)(b).
[11] ICC 15.04.203(4)(a).
[12] ICC 15.04.204.
[13] ICC 15.04.204.

erosion and sedimentation control plan and any other infrastructure or improvements on or adjacent to the property and any other information requested by the city manager, city engineer or other appropriate city staff member;

- "Preliminary grading plan", as defined in chapter 2 definitions of title 15, Subdivision Regulations, and in accordance with the standard specifications;
- Designation of common areas and amenities available for use of residents, commercial area customers and the general public;
- Preliminary landscaping plan; Preliminary lighting plan; The acreage and legal description of the area to be subdivided; and
- All property lines of adjacent properties within one hundred fifty feet (150') of the boundary of the proposed subdivision with the names of the owners and the parcel tax identification numbers.

Based on this analysis, the technical review committee recommends approval. The construction drawings have already been approved.

RECOMMENDED FINDINGS:

Ivins City staff recommends the Planning Commission find the following:

- The Preliminary Plan conforms to the zoning ordinance, design guidelines, standard specifications, and all relevant sections of Title 15 of the Ivins City Code;
- public services and utilities services[14] have sufficient capacity and are otherwise adequate to serve the subdivision;
- The Preliminary Plan is 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 Planning Commission approve this subdivision, the Planning Commission has discretion to:

- approve this subdivision with alterations and/or amendments offered by the Applicant that comply with existing law;
- deny this subdivision based on specified findings consistent with city code that are contrary to the findings recommended by Ivins City staff in this staff report; or
- table consideration of this matter for further development and discussion.

[14] which may include roads, gas, electric, telephone, mail, police and fire protection, water, sewer and recreation. ICC 15.04.203(1)(b).

SUPPORT MATERIALS:

- Application
- Land Use Map
- County Map
- Preliminary Plan/Vicinity Map

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Respectfully submitted:

Mike Haycock, Zoning Administrator