IVINS CITY
PLANNING COMMISSION
MINUTES
September 17, 2024
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIR AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chair Pam Gardiol, Commissioner Dave Robinson, and Commissioner Doug Clifford.

Staff Attending: Bryan Pack-City Attorney, Mike Haycock-Building and Zoning Administrator and Sharon Allen-Deputy City Recorder.
Audience Attending: Chris Haddad, James Barden, Eric and Lynn Savage, Bonnie Kline, Richard Bryant, Becky and Chuck Warren, Sharon Gillespie, Sharon Barton, Heidi Blake, Matt Marten, CJ Koharcheck, Lisa Ganz, Dan and Jan Brown, Brett Henke, Jon and Nicole Graf, and Jerry Miyahara, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Chair Pam Gardiol

C. Invocation--Chair Pam Gardiol

D. Disclosures--None

2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None.

3) PUBLIC HEARING AND ACTION ITEMS

A. Public Hearing regarding zoning text amendments to the Recreational Vehicle Resort Requirements Ordinance.

Mike Haycock stated that changes were recommended by the City Council and this is their general input. This is the ordinance for Ivins City, not for just one specific RV Park. Discussing the RV Park's Conditional Use Permit would be a discussion for a later date. He added tiny house because there was no definition for that, and this development has one currently. Cabins are typically built on site and tiny homes are built and then brought in. They each have different regulations and approval processes. In a few areas we moved concrete to see if we think it is appropriate to have gravel on the site and have added compacted rock. Our ordinance discusses time limits on rentals. Council is asking us to look the main building and if it is appropriate to use management quarters as short-term rentals. The placeholder says that cabins and clubhouse units may be rented as short-term rentals and that only 10% of these units may be rented for more than 30 days. There was discussion on landscaping and the different ways of measuring by either size or height. Caliper is one way to measure. Gallons or height is another. We suggested one tree every 30 feet is a good buffer, but you may want to change that depending on the size tree you select. If you do want to approve rental units in the office, we would have to change

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that language in the first paragraph of Section 211. Paragraph three talks about RV sites but we should have a discussion on bathroom and shower facilities based off of tent sites also. The combinations in the table following are the minimum requirements for these facilities that are currently in place. He added tent sites to that table. Family bathrooms with showers are not in the table but that would be a good way to require those because a lot of times they can be used for any purpose or gender. Should they be in one area or scattered throughout the development is another discussion. **Chair Pam Gardiol** opened up the Public Hearing. Richard Bryant stated he lives on Wisteria Court and has followed this project for ten years in its development stage. The ordinance states 30% of rentals being able to stay up to 180 days. There were cabins presented as a buffer zone on the east side of the property along Hwy 91. The cabins were not going to be built right away, and it was said that they would be used as RV spaces up to that point. His concern is that now they want tiny homes, which are on wheels and are like a mobile home that could be moved around. If allowed, they should be limited to 29 days or less. Another concern is the visual impact on surrounding properties, and he has observed quite a bit of debris and no screening. The buffer area is being used as a dumping area with livestock, horses in a temporary pen, and landscape screening was supposed to address those concerns. Equestrian area was supposed to be down in the BLM area. That is not being adhered to. Rental units in the clubhouse should be another consideration because they are coming in after the fact and asking for forgiveness. The ordinance was designed to preclude those types of rentals. It basically becomes an apartment. It was mentioned to change the word frontage to boundaries, but landscaping should be on all boundaries. Not just the frontage. Frontage is not defined in your definitions. Landscaping was changed from approved by the City Parks Director. Now it just says approved. That is open to any type of interpretation with no context. **Bryan Pack** stated that there is no one on Zoom. **Chair Pam Gardiol** stated that she received several emails that she tried to respond to, and most issues discussed here were similar. Hearing no further comments, she closed the Public Hearing.

B. Discuss and consider recommendation of zoning text amendments to the Recreational Vehicle Resort Requirements Ordinance.

Chair Pam Gardiol provided context on this discussion item. She reviewed Council meeting minutes that relate to this item, and the changes that have been proposed. She would like clarification regarding looking at this ordinance generally, and not just having one particular development as the catalyst. The charge coming to the Commission from Council sounded like that development was the catalyst. **Mike Haycock** stated it was the catalyst but do not look at the ordinance for one project. We are writing ordinance for the whole city. Look at what is appropriate for any property that may in the future become an RV Park, not just one project. **Chair Pam Gardiol** stated that she feels the Commission's responsibility is to address the community, not one particular development. **Commissioner Dave Robinson** inquired if these changes will revert back to this existing park? No matter what changes are made here, will it affect the existing park? **Mike Haycock** stated if they amend or extend their Conditional Use Permit, on the date of that application whatever ordinance is on the books applies. **Chair Pam Gardiol** stated that if they apply after the Council meeting those changes could go into effect with this new ordinance. **Commissioner Doug Clifford** stated that we need to put on as an

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agenda item the management of non-compliance issues. There is nothing in this ordinance about that to give direction regarding non-compliance. **Chair Pam Gardiol** inquired if the Commission wants that addressed? **Bryan Pack** stated that non-compliance doesn't necessarily need to be outlined because someone in non-compliance would lose the approvals they had. They would be revoked if they didn't come into compliance and the city chose to enforce it. Any non-compliance issues the city has discretion on enforcement. Approvals in place on the original Conditional Use Permit require compliance within the code at that time. We aren't talking about enforcement on that project, but we are working on future projects. **Commissioner Doug Clifford** stated that if we added that, we would need direction. **Chair Pam Gardiol** suggested they go through the document and look at the redlines. **Commissioner Dave Robinson** stated the first paragraph 16.17.202 he wondered if tiny homes would also connect to the sewer and water system? Would they be permanent or mobile? **Mike Haycock** stated they are just like cabins and would have to be connected to the sewer and water, just like a cabin. There is an appendix in International Residential Code about tiny homes. They are built off-site to that standard and we accept them like any other structure, like a cabin. **Chair Pam Gardiol** inquired if the purpose is to develop these sites as resorts, rather than an RV Park or campground, providing guests with a relatively higher quality experience than found in an RV Park or campground, do tiny homes add more depth to that environment, or take away from that higher quality experience? **Commissioner Dave Robinson** stated he believes they add to it. There are some near Zion and places like that. It gives people without RV's or campers or tents the ability to still have that type of experience. **Commissioner Doug Clifford** stated that the construction of tiny homes is in many ways superior to a cabin. Are they visually appealing is the issue because they don't look like a cabin. **Mike Haycock** stated design guidelines are applicable on commercial, whether we have a development agreement or not. **Bryan Pack** stated that the tiny home definition does not appear in this copy. It states that a tiny house complies with appendix AE of the International Residential Code or approved by the State of Utah as a tiny house built by an approved fabricator. **Commissioner Doug Clifford** stated this is in a fairly nice location but there is ambiguity in what "relatively higher quality" means. **Mike Haycock** stated any definition changes you would like to make, let's do it because this is on the City Council agenda for Thursday. These changes presented reflect closely what Mike Scott had recommended. **Chair Pam Gardiol** stated regarding cabin sites and “paved or concrete” being removed, this was a big issue. She would like to leave that in the paragraph and refer back to a higher quality resort. **Commissioner Doug Clifford** stated that he has had RVs for 30 years and there are strong opinions on both sides. Concrete appears to be nice and clean. In a hot environment like we have here in the summer it is harder on the units than gravel. It is about 50/50. There is not a clear winner. Rain is better with gravel to a depth. **Commissioner Dave Robinson** stated that crushed rock which kind of interlocks. Leaving the option there is good. **Commissioner Doug Clifford** stated it holds together and compacts well. **Chair Pam Gardiol** stated if we eliminate paved/concrete let's say what should be put in. **Commissioner Dave Robinson** stated it could say pavement or compacted rock. **Bryan Pack** stated that the tiny home definition falls under tent site. **Commissioner Dave Robinson** stated that in Section 204 change that also to pavement or compacted rock. **Chair Pam Gardiol** inquired how often would it need to be maintained? **Mike Haycock** stated there are pluses or minuses to any product, but that

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maintenance is the responsibility of the owner. Compacted rock drains well and concrete lasts longer before needing maintenance. **Commissioner Doug Clifford** stated he would think concrete rather than asphalt. **Commissioner Dave Robinson** stated crushed rock is less expensive as well as concrete or blacktop. **Mike Haycock** stated take pavement out if you make a motion. **Chair Pam Gardiol** stated if tiny houses are going in this document, it should be included anywhere it says cabins, tent sites, RV sites, etc. **Mike Haycock** stated after seeing it in the definitions, wherever you say cabin you are saying tiny home. **Chair Pam Gardiol** stated she hears what he is saying, but she wants it to be clearer. **Commissioner Doug Clifford** stated that in Panguitch Lake the resort has put in tiny homes and they are skirted. We almost need that added. It can't be on blocks. That would be required. **Chair Pam Gardiol** stated that paved or compacted rock will change to concrete or compacted rock. Section 207 Time limit of occupancy stated that cabin or clubhouse can be rented as a short-term rental. If the purpose of the clubhouse is two-fold; one is a gathering place for the resort and the other is to provide housing so there is quick response if there is an issue. Do we want to assume there is not an on-site manager, or mandate on-site management? **Mike Haycock** stated you want a manager on-site. The remaining ones would be short-term rental or long-term. **Chair Pam Gardiol** stated it makes sense that there would be housing in the clubhouse if we ensure there is on-site housing for management. **Commissioner Doug Clifford** stated it doesn't necessarily have to be in the clubhouse. **Bryan Pack** stated that Section 206 requires an on-site manager to be there at all times. They don't have to live there. They may work in shifts. **Mike Haycock** inquired do you think there should be short-term rental in the property that were originally intended for maintenance staff? **Chair Pam Gardiol** stated she does not. **Commissioner Doug Clifford** stated it doesn't fit the concept of RV resort. Although there are cabins. **Mike Haycock** stated it would be allowing a use on the property that was intended for maintenance personnel. **Commissioner Dave Robinson** stated it says that cabins and clubhouse units may be rented as short-term rentals, only 10% for more than 30 days. 10% could still be held for staff. It leaves that open. **Chair Pam Gardiol** stated that a cabin can be a short-term rental up to 29 days. This is a moot point. **Commissioner Doug Clifford** stated also up to 180 days. **Chair Pam Gardiol** stated we don't need to address this and should take this statement out. We have the maintenance staff already addressed. Strike the redline. Section 209 regarding landscaping she has concerns deleting the word "boundaries" and putting "frontage". We want landscaping around the whole development and in reading this she would think it only needs to be around the front of the development. **Commissioner Dave Robinson** stated he doesn't have a stand on this one way or the other. **Commissioner Doug Clifford** stated that these are generally isolated and the community is usually looking at them from one angle. It seems like overkill. **Chair Pam Gardiol** stated we have a number of walls in the community. If this is a sense of resort community and there are adjacent neighbors we can put up walls for, we can plant trees. **Commissioner Dave Robinson** stated he is good with beautification as a separation. It can stay as “boundaries” and not just “frontage.” **Mike Haycock** stated when we talk about caliper, that is one way to say size of tree. Maybe 4-6 feet tall. The conversation should be whether this is 1-2 inch caliper or 6 feet tall or a 50-gallon which would be about 6 feet tall. **Chair Pam Gardiol** stated trees that have a probability of surviving and are viable. Do we want multiple stems/trunks? **Mike Haycock** stated there are varying types of trees. Do 6 feet tall from bulb to

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the top of the tree. **Commissioner Doug Clifford** stated that it seems high if we have people put in 150 trees. Multiple bush trees can't really be a requirement. **Commissioner Dave Robinson** inquired if we are requiring something that will be an extremely expensive endeavor? **Mike Haycock** stated that before we said a cluster of three. Now we say one every 30 feet. **Chair Pam Gardiol** stated that Section 209 took out "approval by the parks and recreation director". Are there guidelines already so he doesn't need to be in there? **Mike Haycock** stated this is taking him off the hook a bit. We don't have a complete plant list of what is approved. **Chair Pam Gardiol** stated maybe because we don't have a list, we could add "per city landscape guidelines." What is the standard against which the approval would occur? Section 211 regarding office facilities take out "and/or" and leave "or rental units." **Bryan Pack** stated this is not mandatory. If they choose to do it, they can elect to do it. The word "may" allows that to be left up to them. **Chair Pam Gardiol** stated we will leave those changes as written. Section 211(3) regarding restrooms, where it says tents and RVs, do tiny homes and cabins need to be included? **Mike Haycock** stated that tiny homes and cabins typically have their own facilities. Tents and RVs are crucial in making sure they also have facilities. A lot of RVs do not want to use their own facilities. **Chair Pam Gardiol** stated maybe it should say it will adequately service the number of sites on the facility. **Commissioner Dave Robinson** stated we are not including cabins. **Chair Pam Gardiol** stated she is thinking to include facilities for anyone that wants to use them. **Mike Haycock** stated adding tent sites to this table made it more restrictive than the current ordinance. **Commissioner Doug Clifford** stated that he is sure there are some stats somewhere. We would need to look that up. **Chair Pam Gardiol** inquired what is that calculation? **Mike Haycock** stated that he derived the family bathroom off of this table. That one bathroom is sometimes taking care of all the kids, with Mom. At least half of the bathrooms have to be the family option. The second half would be the bottom table. That is where the building code is going to with non-gender bathrooms. Family bathrooms take care of those legal issues as well. **Commissioner Dave Robinson** stated that the Utah Administrative Code 392.300.7 states it as per person ratio of plumbing fixtures and they are 1 per 40 females or 1 in 25 for both genders. That doubles it almost. That table has to change. Let City Council look at those numbers and we will have to alert them of that. **Chair Pam Gardiol** stated that we have coordinated Councilmember Mike Scott's comments into this ordinance. He did state clarification is needed on how long tiny homes are rented. They would be the same as the cabin. 29 days. That has been addressed. His Item 7 regarding Panorama Point Drive as a buffer. **Commissioner Dave Robinson** stated that is regarding a specific project, not this entire ordinance.

MOTION: Commissioner Doug Clifford moved to approve recommendation of zoning text amendments as presented and discussed, to the Recreational Vehicle Resort Requirements Ordinance Section changing Section 204(5) to "concrete or compacted rock." Strike "paved" on Section 204(12). Add in the definition of tiny home. Section 207 strike the redline regarding cabins and clubhouse units. Section 209(b) change the tree minimum to 6 feet and along all boundaries. Section 209(c) leave it as "approved." Section 211(1) strike the word "and/or" and leave rental units. Leave 211(3) with an asterisk to update the table. Dave 2nd. Roll Call Unanimous.
SECOND: Commissioner Dave Robinson

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VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Blake Subdivision Preliminary Plan, located at approximately 980 South Pendleton Parkway. Benjamin and Heidi Blake-Owner/Applicant.

Mike Haycock stated that this is an RA-1 zone and a one lot subdivision. We are making this a legal lot through the subdivision process. This is a 1.53 acre lot at the end of the Pendleton Parkway which is really their driveway. The driveway access is through their family property off Fitness Way. **Chair Pam Gardiol** inquired on adjacent zoning? **Mike Haycock** stated there is Mixed-Use, with RM above and the RV Park further towards Hwy 91. They are adjacent to RA-5 and are the least dense zone in that area. They are pulling one lot off the existing lot. This is a family-owned parcel.

MOTION: Commissioner Dave Robinson moved to approve Blake Subdivision Preliminary Plan, located at approximately 980 South Pendleton Parkway. Benjamin and Heidi Blake-Owner/Applicant, based upon the owner is surrounding the entire parcel and the zoning fits. Roll Call Unanimous.
SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

B. Discuss and consider approval of Kwavasa Phase 2-B Preliminary Plan, located at approximately Keleva Trail and Kwavasa Drive. SITLA-Property Owner. Brett Henke-Applicant.

Mike Haycock stated that this is located in Kayenta with RE-43 zoning and the hatched area with lot averaging. This parcel is located next to RE-37 to the north. Kwavasa dead-ends and in the future this will become a corner lot. They know they will be responsible for that road infrastructure at that time. It is in their development agreement. **Bryan Pack** stated if they vote to approve this, add to the motion that it will be conditioned upon the development agreement agreeing to construct the rest of Kwavasa to the north.

MOTION: Commissioner Doug Clifford moved to approve Kwavasa Phase 2-B Preliminary Plan, located at approximately Keleva Trail and Kwavasa Drive. SITLA-

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Property Owner. Brett Henke-Applicant, conditioned upon the completed development agreement for the rest of Kwavasa Drive. Roll Call Unanimous.
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

C. Discuss and consider approval of Preliminary Plan Extension at The Retreat at Snow Canyon-East Resort, located at approximately Puerto and 400 South. SITLA-Owner. EWD, LLC-Applicant.

Mike Haycock stated that there is no change to the project from the original approval. The ordinance doesn't allow denial unless there is a change in the ordinance or the development and neither has happened. The recommendation from TRC is that this extension would be approved based on administrative requirements. Their application is complete. **Bryan Pack** stated the development still complies with the code and they have paid the application fee. The factual basis for a denial would be that it doesn't comply with the code. There is no discretion from the Commission to deny this. **Chair Pam Gardiol** inquired if there are no ramifications why give it a expiration date? **Bryan Pack** stated that the total time is actually 18 months before there is a reason to get a denial. They have a one-year period and they can get a one-time six-month extension beyond that. If after that point, they would have to reapply. **Commissioner Doug Clifford** inquired where they are with the project? **Mike Haycock** stated they may have not needed the extension, they are close to being completed. **Bryan Pack** stated that the year deadline and six-month extensions are just to make them aware that it could expire. They can't come in a year and a half later asking for an extension. **Chair Pam Gardiol** brought to their attention the Planning Commission rules and bylaws, article 4B and C regarding procedures. It states that staff shall present its report and recommendation. Item C is the applicant or petitioner shall outline the nature of the request and present supporting evidence. She asked for the petitioner to come forward and present the need for the extension. **Bryan Pack** stated they can certainly come forward, but know it is not relevant information if they meet the code. Jerry Miyahara stated that they have been working diligently in good faith and the project has a lot of complexity to it. Final plats are submitted into the city for review and construction drawings, grading plans and road dedication plats are all here for review. The development agreement goes to City Council on the 30th. We won't need those full six months to secure those preliminary plans.

MOTION: Commissioner Doug Clifford moved to approve Preliminary Plan Extension at The Retreat at Snow Canyon-East Resort, located at approximately Puerto and 400 South. SITLA-Owner. EWD, LLC-Applicant. Roll Call Unanimous.
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

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Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

D. Discuss and consider approval of Preliminary Plan Extension at The Retreat at Snow Canyon-West Residential Phases 1 through 7, located at approximately Puerto and 400 South. SITLA-Owner. EWD, LLC-Applicant.

MOTION: Commissioner Doug Clifford moved to approve Preliminary Plan Extension at The Retreat at Snow Canyon-West Residential Phases 1 through 7, located at approximately Puerto and 400 South. SITLA-Owner. EWD, LLC-Applicant. Roll Call Unanimous.
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

E. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for August 13, 2024.

MOTION: Commissioner Dave Robinson moved to approve the Ivins City Planning Commission Meeting Minutes for August 13, 2024.
SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

5) REPORTS

A. Planning Commission Members

Commissioner Dave Robinson stated he went to Portland Maine and took a deep look at that area. He stayed in an Airbnb and most homes on the beach were all nightly rentals. The community was set up beautifully. There is an ice cream parlor, tiny amusement park and main street shops. They have low building height just like Ivins. It was gorgeous. They took care of

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those homes because they know that they need to. They had fences around them but the location that built the community. **Commissioner Doug Clifford** stated it is an interesting dynamic with nightly rentals that when you get a lot of them, they take greater care than when there are just one or two here and there. If the whole area is done around a theme the control is built in there. **Chair Pam Gardiol** quoted Dr. Putnam who says "social capital refers to the connection among individuals, social networks, norms of reciprocity and trustworthiness that arises from them. Social capital calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations." How do we ensure that what we create is integrated so that they both types of families' lives are enriched as a community? Her old home up north was on the national registry. Some were rented as short-term rentals, and it was a gaping hole in the teeth of the neighborhood. We did not connect, and they came and went with no sense of community. We need to marry these versions.

B. Chair

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated that in the next few weeks the building department will be very busy and he will not have time to work on any ordinances, so we may cancel the Planning Commission meeting for October 1st.

D. City Attorney, Bryan Pack

E. Items to be placed on future agendas.

6) ADJOURNMENT

MOTION: Commissioner Doug Clifford moved to approve ADJOURNMENT
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE

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