IVINS CITY
PLANNING COMMISSION
MINUTES
October 15, 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, Commissioner Doug Clifford, Commissioner Perry Brown, and Commissioner Brandon Weight.

Staff Attending: Bryan Pack-City Attorney, Mike Haycock-Building and Zoning Administrator and Sharon Allen-Deputy City Recorder.
Audience Attending: Rob Roush, Sharon Gillespie, Bonnie Kline, as well as others that did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Dave Robinson

C. Invocation--Commissioner Dave Robinson

D. Disclosures--None.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None.

3) PUBLIC HEARING AND ACTION ITEMS-None.

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss Class I Permits and Zoning Text Amendments to Title 16 Chapter 14.

Mike Haycock stated Chapter 14 is regarding Class I use permits. The word "conditional" is a use application. Class I is used for temporary events. If you look at the ordinance, we need to separate structures from events. Building code is for the structure and the zoning ordinance is for a temporary event. Our timeframe confusion has been about what is a structure and what is an event. **Chair Pam Gardiol** inquired where did the confusion come from? **Mike Haycock** stated that at Black Desert Resort there was a special event permit issued through TRC. Then there is a building permit application for the structures. The zoning ordinance and building code both applies. State law says the temporary structure permit can be approved up to 180 days. An event may only last 5-6 days. We can't change State law, so all we can do is change our zoning ordinance. The event at Black Desert Resort is why this came forward. We need to decide who reviews that application. Right now it is the Zoning Administrator as per the ordinance and an event does not come to Planning Commission or City Council. The discussion should be who authorizes temporary events. We had a sensitive lands meeting today and we talked about what is disturbance. If the structure is in Sensitive Lands but there is no disturbance, should there be a

review? Their recommendation today was that if it is de minimis or doesn't require grading there is no reason for them to review the application. Black Desert Resort put down concrete blocks and it was all temporary with no disturbance. They thought an application like that doesn't go to them unless there is grading or disturbance and to let TRC make the recommendation. **Sharon Allen** stated that de minimis is less than miniscule and was Chuck Gillette's request because it is used in the EPA language they follow. **Bryan Pack** stated that it would be in the eye of the beholder of whether it is de minimis or not. **Mike Haycock** stated that the current ordinance says the Zoning Administrator reviews the application and it is reviewed using the building code and zoning ordinance. If it checks the boxes and meets ordinances and building codes, then the permit gets issued. **Chair Pam Gardiol** stated the ordinance provides those parameters making it an administrative act which follows under the Zoning Administrator's purview. **Bryan Pack** stated the use itself has to be an allowed use under our code. **Mike Haycock** stated that a Special Event is under the table of uses in the Resort Commercial zone. **Bryan Pack** inquired that this is not a way to get around any prohibited uses, just identifying any existing allowed temporary uses? **Mike Haycock** stated yes. **Commissioner Dave Robinson** read Section 16.14.101. This chapter identifies and provides the procedures, decision standards, and other matters for the review of Class I use applications. Class I uses are hereby determined to be temporary uses for the purposes of this title. **Chair Pam Gardiol** inquired if it is already spelled out, why is it before us? **Mike Haycock** stated that the consideration before you is to determine if we want Class I use permits, or who does the approval. We want to look at all types of events that happen in Ivins, races, Kayenta Arts, etc so we can be consistent. If we change temporary uses to a different class, then we have to do it to all other events that meet that same definition. He didn't give a recommendation because he doesn't know which is best. It needs to be a check-the-boxes review for the Zoning Administrator or the Planning Commission and the City Council. **Commissioner Perry Brown** stated what is the problem with the way it is being administered right now? **Mike Haycock** stated that some people thought that Black Desert Resort and the size of the event should have had other people reviewing to make sure the project meets the requirements. **Commissioner Brandon Weight** stated his concern is the definitions. He would prefer a better definition than de minimis, like ground-breaking activities. **Chair Pam Gardiol** inquired if we are comfortable to have Staff do the review? **Commissioner Dave Robinson** inquired if we want more people to look at the review based on those definitions rather than just Mike Haycock? **Commissioner Brandon Weight** stated that depending on the size, maybe we should be looking at it. **Mike Haycock** stated sensitive lands are the ones saying that if it is de minimis and nothing is being touched, they don't need to see it. If it goes beyond that, they want to see it. Especially if there is grading. **Chair Pam Gardiol** stated we may need more defined boxes to cover all types of activities. It is not only the impact of the development, but also the impact created by the structure. A lot of people come to the structure and tromp on that area. Is that being taken into consideration? **Mike Haycock** stated Black Desert Resort has their paths set but if any event has new paths being created in sensitive lands, that would be past de minimis, and they would want to see that. Black Desert Resort put concrete anchors down so there was no new disturbance. They were already using drawn paths. We need to either define their recommendation or create our own. **Commissioner Dave Robinson** inquired if when they are applied for, Mike Haycock sees them first, correct? **Mike Haycock** stated that special events

applications are received by the Police Department and then brought to TRC and reviewed. The Building and Zoning Administrator then reviews that application. His suggestion to TRC was to add Class I on the Special Event permit so people know it is both. It is reviewed at TRC on the event side of things, and the structure side of things is the zoning reviewed on his end. **Commissioner Dave Robinson** inquired if it goes to you to begin with in this process, why hand it off to anyone else? Other cities have had events that enraged people, and they technically didn't break any codes. Those same type of events could be approved as something viewed as unfavorable to the public, but you couldn't deny it because the boxes were checked. He sees no need to have anyone else look at it. You are there with TRC. We are muddling up a process that is already working. You and TRC are already looking at it. **Commissioner Doug Clifford** stated the idea of checking the box and it being situational means it can't be specific to put it into a document. You would have to go into detail about what they are doing. **Mike Haycock** stated on large events, the first one never goes as planned so after you go back and make changes to make the process easier for your city. **Chair Pam Gardiol** stated maybe we need to review the ordinance to see what is missing now that we have had this event to see what we may need to include. **Mike Haycock** stated he read through the ordinance and the first question is who approves the permit. **Chair Pam Gardiol** stated that is if we have all the boxes. Do we have all the boxes we need? **Mike Haycock** stated that our zoning ordinance has legs, but we don't need to change every chapter that is referenced. The zoning and all 33 chapters apply. This is regarding Chapter 14 and the boxes are already there. **Commissioner Perry Brown** stated that if there are other boxes they are in other documents in our code. He is comfortable with the Zoning Administrator reviewing the application and seeing it at TRC. **Commissioner Brandon Weight** inquired what the real problem here is? **Mike Haycock** stated that approvals were made on an event and the City Council realized they don't have a say. They may want to have a say. That is their prerogative. **Commissioner Brandon Weight** inquired if the size and scope of the Black Desert event made the City Council want to be involved? **Bryan Pack** stated yes, but we need to define what discretion City Council would even have to say no to any part of that event if it all meets the code? **Mike Haycock** stated not as a Conditional Use Permit. **Bryan Pack** stated he agrees and as it is written now, there is not much discretion they could have on the Class I Conditional Use Permit process. There is a separate Code in Title 5 that covers special events. It is not for the Planning Commission and that is where we have discretion, like safety or traffic or parking. Maybe that is where this discussion needs to go. **Mike Haycock** stated that TRC is already doing that work, and the Police Department looks at safety, and the Fire Department looks at fire protection, and the Parks Department, and Public Works looks at parking, traffic and roads. etc. **Bryan Pack** stated that the Black Desert structure could have gone up. **Mike Haycock** stated yes but they were supposed to do a bit more screening/skirting of the metal and that didn't happen. It was supposed to comply with our design guidelines. We aren't in a position to shut down the PGA event three days before it happens. **Chair Pam Gardiol** stated maybe our focus is on special events and she is concerned when a petitioner is not in compliance, they are still able to do the event. **Mike Haycock** stated the first event is a rough process. **Chair Pam Gardiol** stated that now they will know next time they can't continue if the process fails. **Commissioner Brandon Weight** stated the City Council can look at the event if they feel they need to. If the special event doesn't have anything to do with land, do we have the right to

say no? **Bryan Pack** stated you are pointing to the ambiguity in our code. Black Desert Resort didn't go through a Class I approval because when the application came in it looked like it should come through the Building Department on the structure and through special events. That is the ambiguity. Does that cover it, or should we tie the two together more? He doesn't believe so because then every special event that comes through, we would have to review. We get quite a few in a calendar year, and we don't necessarily need that administrative level on every type of application. **Commissioner Doug Clifford** stated that it is a slippery slope to try to get every bit of detail on every potential issue, it could just blow up. If someone was walking and a snake comes out of the lava and bites someone or trips on a rock or falls or gets a concussion, how do we plan and make a check-the-box for all of that? **Commissioner Dave Robinson** stated they have event insurance for those things, but look at the park next door, just basic events that go on there, would we make them go through the same hoops as Black Desert Resort? We need to be careful not to complicate it and make this administratively so overrun for those with basic events. We have TRC, Police and Fire all reviewing these events. What are we doing but rubber-stamping if it comes before us? We need to clarify Class I as opposed to just having special events but beyond that, he used to produce car shows and monster truck events and participates in Hurricane's 4th of July at Sand Hollow and he had the exact problem with the rules being changed before the event and squashed a whole portion of the event because we couldn't make the adjustment in time. We need to be check-the-box and don't muddy it up, if all we would be doing is rubber-stamping it. **Chair Pam Gardiol** stated she agrees. If the boxes are strong and if the legs are sound, but is there a second level based on the intensity of the event or do we feel we have what we need? Were there gaps in hindsight that were not covered by the ordinance we already have in place? **Mike Haycock** stated design guidelines could be reviewed but that is a whole other chapter. Light Reflective Value has been talked about but never proceeded. Accessory Dwelling Units we want to touch on that also. They are starting to add up that the whole chapter needs review. Is it part of this discussion, or do we go over the entire chapter in the future? **Commissioner Perry Brown** stated that is another discussion for another agenda. For this discussion, make the decision with TRC review. The Commission agrees. Mike Haycock stated that we are adding TRC to the approval authority with the Zoning Administrator. Next is sensitive lands and their wording recommendation. **Commissioner Perry Brown** stated he believes we should take the wording suggested by the Sensitive Lands Committee. Applications get reviewed when they need to be reviewed by the Committee. **Commissioner Dave Robinson** stated he agrees. They know when they need to see something. Let's not get in their way. **Commissioner Brandon Weight** stated we could use both "de minimis and grading". In his field they call it "ground disturbance activities". **Bryan Pack** stated Section 107 states that the "procedures for the approval or denial of a Class I use application proposed," and add that "results in any ground disturbance activities would be sent to Sensitive Lands". **Mike Haycock** stated it goes to TRC who then decides if it goes to Sensitive Lands. **Commissioner Perry Brown** stated work that in there and we are fine. **Chair Pam Gardiol** stated then it doesn't matter the size of the event. **Mike Haycock** stated on the appeal section, he recommends adding the word "Planning Commission," or send it to the appeal definition. **Bryan Pack** stated we can just say "pursuant to Chapter 30 of this Title". The Commission agreed. **Mike Haycock** stated we will make those changes and bring it back for review before a Public

Hearing. **Bryan Pack** stated maybe we need to clarify that the Class I uses are the uses otherwise defined in the code. **Mike Haycock** stated Table 33 is clear on what uses are approved by Class I Conditional Use Permits. **Bryan Pack** stated we will look at identifying the uses that determine which is an event or a structure. **Mike Haycock** stated anything that is listed in Chapter 5 requires them to do the Class I permit in the table of uses. Special events are not defined. **Bryan Pack** stated that a Class I use is something that you would give a Class IV or V use for, but since it is temporary, it is Class I. It is a use that is already approved so they would only need a special event permit for traffic and parking, or a temporary structure so it needs a building permit. We will think that through more. **Mike Haycock** stated a definition for special events would be helpful here.

B. Discuss the Ivin City Annexation Plan.

Mike Haycock stated that our annexation plan needs to be reviewed and to look at what is included in the annexation policy plan so that when an application comes in, we have an option of saying yes or no. If it is not in our plan we can't make that decision. His recommendation is that we put as much into our annexation policy plan as possible. That does not mean we have to annex it. An example is how services for that area will be financed. Santa Clara City says if you annex in, it starts out as open space. It can't start with an intense use zone. They can then apply if they want to go under the process of changing. There are taxation implications on infrastructure, so we need to be thinking about that process, and the land use we want to see. Does the applicant get to determine that zone upon request? As an example, if someone wants to do residential but our plan says it starts as open space they may not want to come to our city unless they know what the future zoning will be. We need to determine if we want them to ask so we know what they are doing or if saying what zones we want would be beneficial. **Commissioner Dave Robinson** stated that both Santa Clara and Ivins have drawn maps to say this is what we would like the possibility of encompassing into our city. If private owners own the land, we have to be careful because we can't do a taking, or force them in. But then we would have a general idea of what we want and an idea. At the same time, you think someone may come in and want to annex into us? Most of the area is owned by the Bureau of Land Management in one area we are talking about annexing. **Mike Haycock** stated that the Bureau of Land Management has put an RFI out for moderate-income housing in that area. They want developers to come in and say what it will take for that to happen. Defining statements on what is and what is not beneficial to us is very important. **Bryan Pack** stated when that type of petition comes forward, the legislative decision is still made by the City Council using their discretion. We are not forced to accept an annexation plan. City Council could say they are not comfortable with any certain use. **Chair Pam Gardiol** stated her concern was not being reactionary but proactive on what our vision is on that land. We spent two years on the General Plan, and she would hate to see what they build doesn't align with our vision. **Bryan Pack** stated that if the City doesn't annex that land they could still find other ways to do it, we just wouldn't have any control over it. **Commissioner Doug Clifford** inquired what other paths could they take? **Bryan Pack** stated they could go to Santa Clara or incorporate themselves into their own city, or be in unincorporated Washington County with solar panels, septic tanks and wells and still do what they wanted to do. **Commissioner Doug Clifford** stated that in Section 4 at any time, the State could make a

decision to allow that area to be built. This whole area used to be Bureau of Land Management, so it can happen. **Mike Haycock** stated if it is under the County's control and we say no on connecting utilities, they can do alternatives. If it is privately owned one day you will want the option to allow it to annex in, and keep it as open space. The biggest negotiation for us is utilities and the ability for them to connect into our infrastructure. If we say no, they have the ability to go figure it out somewhere else. **Chair Pam Gardiol** stated we have gone a lot of directions in this discussion. Is the Council looking for us to say there are other areas we need to include in this plan? **Mike Haycock** stated Marty Thomas is working on a new map on what Santa Clara has already annexed. **Bryan Pack** stated the old annexation map shows Areas 1, 2, and 4 still exist in the same configurations. Area 3 is going to show what has been annexed into Santa Clara. Is there any part of Area 3 still there that is up for annexation? **Mike Haycock** stated yes he believes so and also look outside to see if there are any other areas. Chuck Gillette should be here for that discussion. We need to look at the new maps and what our plan includes. **Commissioner Dave Robinson** stated if they have to be touching our boundaries, he can't think of any other land we could annex in. **Bryan Pack** stated possibly south of Area 2. The code that is in place when this annexation plan was adopted is almost identical to what is in place now. We may not need to recreate the wheel. **Mike Haycock** stated the part that changes is the tax analysis and getting that current. **Commissioner Doug Clifford** inquired what have we annexed since 2005? **Commissioner Dave Robinson** stated that we annexed a tiny chunk of Santa Clara's section into Black Desert Resort because of access. **Chair Pam Gardiol** inquired if this will be on the next agenda with a staff report to guide us? **Mike Haycock** stated this is the initial conversation and we need to focus on Section 3. This is just an introduction. **Bryan Pack** stated that the population projections will need to be changed for sure.

C. Discussion Regarding Community.

Chair Pam Gardiol stated that she respects the philosophy that walls make good neighbors and that communities can be events. She had two sources that came to mind, so she created a synopsis of the PBS series "A Brief History of the Future" and "Bowling Alone: The Collapse and Revival of American Community" to try to convey what she sees as our role as a Commission and Council on how we are defining the greater community. The General Plan work that has been invested warrants sharing a few of these thoughts. The link is attached in this document if you wish to watch that PBS program. The first bullet is "no complex system can be controlled from the center." The three-winged bird is a manifestation of molecules when left to self-organize and what they create. We are trying to create a serendipitous and organic connection. We live with the paradigm of driving where we need to go. We need to look for opportunities for more connection to see people that we wouldn't normally interact with. "Urban planning impacts how we connect" and see ourselves as a part of a community. "Social infrastructure should reinforce our being around each other. Communities should be designed with organic human connection as its centerpiece." That is a challenge. "The structure of a community defines the health of that community. Segregation is not an element of the healthy flow of an organism's health." Segregation always concerns me when we wall it off from other parts. Doctor Putnam in "Bowling Alone" speaks on social capital and the peripheral sense that we are part of something larger than just ourselves. WWII was a high spot in our country coming

together with a common identity. Since the mid-1960's, we have become more isolated. Ivins is not separate from society. We are all a part of it and need to ask questions on how to create greater connections. She is heartened by the General Plan and that developments on an arterial street the houses will face the contiguous neighboring streets to create a natural flow of neighborhoods. No matter when the development was created, it can still be part of the community. "Social capital calls attention to the fact that civic virtue is most powerful when embedded in a dense network of reciprocal social relations. A society of many virtuous but isolated individuals are not necessarily rich in social capital." "Communities are about an identity of inclusion rather than exclusion. This occurs through frequent and organic moments of contact with those outside of our normal interaction." One of the things the Planning Commission is supposed to be doing is spending more time on long-term planning. **Commissioner Perry Brown** stated he had summarized for himself this document and what is important is a lot of this is incorporated into the General Plan and is certainly in the conversations we have going on in the community. To achieve community, we need to emphasize connectedness among people. That would imply that neighborhoods are connected, integrated and not isolated. It also implies gathering spaces such as parks, trails, commercial-like the neighborhood store, art centers, theater, etc. We need to provide those as well as neighborhoods connect in ways that people can flow from one to the next. Kwavasa's new development on the southeast connects on two streets and we should be encouraging that. **Commissioner Dave Robinson** stated we banter about block walls a lot and there is some humor in it, but he likes privacy in his backyard. Natural connections come from having a common goal or theme and how we come across other people and meet. For example, dog parks are places that people come over and visit with each other, because they have a common interest. The athletic programs we have are people from all over Ivins who show up to watch their kids play, or play themselves. There is a common purpose to bring them to that. Those are the types of things we need to try to encourage. We can't force community, but we can lay out the opportunity. The local grocery or gas station is where people used to gather. Canyon Crossing is a huge gathering spot in our area, from both within our area and outside of it. We need to create that. **Chair Pam Gardiol** stated there are multiple points of connection. When she drives to Puerto to go to Harmon's, she doesn't know any of the people on the right side of the street. The car parked in the driveway shows that someone is in the marines. However, she knows the people in her community. Yes to the dog parks, the parks and bikes. How do we create that mosaic, that enriched experience? We need connection now more than ever. **Mike Haycock** stated that after 30 houses you need two entrances. If a developer brings us that, it complies. We have community but we also have our ordinances. If we ask them to connect after they comply with our ordinances, it could be a taking. They have rights to their property. We don't go out looking for applications. The applicants have chosen to come here and if it meets ordinance we recommend approval. He appreciates the discussion but there are limitations. **Chair Pam Gardiol** stated that she knows you can't enforce the General Plan, but it does say that our intent on developments is to have more connection. What are the things in the new plan for us to look at in ordinance to align with the General Plan to make it enforceable? **Bryan Pack** stated a lot will be driven by the City Council to give direction to Staff which ordinances need to move forward. **Chair Pam Gardiol** stated she looks forward to that direction. **Commissioner Doug Clifford** stated that the line in this document that says "social

capital refers to connections among individuals" and walls have a lot to do with that because we all like a sense of privacy. Once we get out of our walls is where we generate social capital. It will be a grass-roots level where people decide they want this type of community, activities, events. We can't legislate that. **Commissioner Dave Robinson** stated it has to happen organically. **Commissioner Doug Clifford** stated that Black Desert Resort will be the same way as Canyon Crossing when it is done. He would have liked to see a City Center by the University. We are trying to do what we can, but it has to be started from the ground-up with people. **Commissioner Perry Brown** stated that it will happen as people want to go and meet in different places. We need to find ways to not put up additional barriers and foster that. We need to pay attention to the ordinances, but Staff needs to ask if they have even thought about it. We are trying to move that General Plan forward and we need to ask questions and make them think about it in that context. **Chair Pam Gardiol** stated that there are those who are the silent people in our community who won't go to do those things, do they also feel a part of the community in the experiences they have? **Commissioner Dave Robinson** stated that he also wants to re-emphasize his desire for water retention basins to be used for multiple purposes that could also become gathering points. There are ways to make these into meeting areas for people. We are missing a great opportunity, and we need to be willing to look at that.

D. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for September 17, 2024.

MOTION: Commissioner Dave Robinson moved to approve the Ivins City Planning Commission Meeting Minutes for September 17, 2024.
SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

Chair Pam Gardiol	AYE
Commissioner Dave Robinson	AYE
Commissioner Doug Clifford	AYE
Commissioner Perry Brown	AYE
Commissioner Brandon Weight	AYE

5) REPORTS

A. Planning Commission Members

B. Chair

Chair Pam Gardiol stated that What's Up Sown South would be great meeting for the Commission to attend in January. It has an economic focus. How do we register for that? **Sharon Allen** will sign up anyone that wishes to attend.

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated that the Moderate-Income Housing report and Accessory Dwelling Units/detached structures is at the top of the agenda according to our timeline of January 1st 2025. It has been a very busy couple of weeks. His biggest excuse is now over, and he needs to make that list of priorities and work on those things as time allows.

D. City Attorney, Bryan Pack

Bryan Pack stated that we have acquired a couple of new monitors, so we will be setting him up on the other end of the dais. That is where he sits for City Council meetings as well.

E. Items to be placed on future agendas.

6) ADJOURNMENT

MOTION: Commissioner Perry Brown 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
Commissioner Perry Brown	AYE
Commissioner Brandon Weight	AYE