IVINS CITY
PLANNING COMMISSION
MINUTES
November 19, 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 Perry Brown, Commissioner Doug Clifford, and Commissioner Brandon Weight.

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

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Brandon Weight

C. Invocation--Commissioner Brandon Weight

D. Disclosures--None.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS-None.

3) PUBLIC HEARING AND ACTION ITEMS-None.

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Red Sunset Estates Subdivision, located at approximately 65 East 200 South. Irvin and Betty Ence Family Trust-Owner/Applicant.

Chair Pam Gardiol stated that this preliminary plan staff report shows three lots on 1.34 acres. The land use is medium-density residential and is zoned RE-12.5. Preliminary plans simply apply to existing laws and their specific application and are an administrative matter. The purpose of the plan is to show that the subdivision conforms to zoning and code requirements, and to verify a number of listed standards. After the preliminary plan application is determined to be complete, the Technical Review Committee (TRC) reviews the application. If approved by the Planning Commission, the preliminary plan is valid for one year from date of approval. **Mike Haycock** stated that the surrounding zones are mainly RE-12.5 on northern and one parcel of R-7.5 and R-1-10 below to the south. There is one lot with an existing home and the developer is trying to subdivide out two others. The retention is on each individual lot. This property is located at approximately 200 South and 100 East. TRC recommends approval. They cannot move forward on a final plat until the Development Agreement passes through City Council. They have utilities to put in outside of the normal boundaries of the subdivision.

DRAFT

MOTION: Commissioner Perry Brown moved to approve Red Sunset Estates Subdivision, located at approximately 65 East 200 South. Irvin and Betty Ence Family Trust-Owner/Applicant, based upon findings of the Zoning Administrator and TRC, and contingent on the development agreement being approved at City Council.
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

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

B. Discuss Moderate-Income Housing Report.

Chair Pam Gardiol stated the purpose is to review the updated ordinance and those updates are subject to review from the State. The measure of success is to provide input to staff and they will bring that back to us for a public hearing. **Chair Pam Gardiol** read the ordinance to the Commission, and a copy is available with these minutes and at City Hall upon request. **Mike Haycock** stated that City Council adopted the ordinance and goals. We are now reviewing these redlines because we have changed our goals and have to start again at the Planning Commission to update them. We believe this will satisfy the State's requirement. This would mean a change to the General Plan so we will have public hearing and prepare that final draft to send to City Council. We changed strategies to list goal items A, S, and E, as lettered by the State of Utah, included and attached with these minutes. We also reformatted the ordinance, and it is a much cleaner look. Item A is to rezone for densities necessary to facilitate the production of moderate-income housing. Item S is to eliminate impact fees for any accessory dwelling units that is not defined as an internal dwelling unit. Internal accessory dwelling units are regulated by the State. External accessory dwelling units are regulated by the City. We will eliminate impact fees for external accessory dwelling units. Item E is to create or allow for reduced regulations related to internal and detached accessory dwelling units in residential zones. Then we go into detail on the goals. Ivins City has rezoned from medium-density to high-density with the SITLA 120 property. We gave them the RM zone, which is conducive to moderate-income housing. We believe we have completed that task, but every year the State wants us to work on those milestones. Milestone 1 states the rezone was completed. Milestone 2 is the land use plan by December 2025. The City Council will have that ahead of them. Milestone 3 is rezoning properties, which is ongoing. We just need to think of moderate-income housing during those requests for zone changes in the future. If someone asks for a high-density zone we need to ask these questions. We don't have to go to the highest density asked for if it is not appropriate. It still has to fit into our land use plan and surrounding areas. **Bryan Pack** stated that a rezone is a legislative action. There may be some informal criteria to consider, but the discretion is with the Council. They don't have to do it. The State want cities to think hard because they want to see more moderate-income housing. **Mike Haycock** stated the State had on

the table the idea of not being able to deny 5400 square foot lots or larger in any residential zone. **Commissioner Dave Robinson** stated that was the State who suggested imposing that? **Mike Haycock** stated yes last legislative session, but Utah Leagues of Cities and Towns said slow down, we need to talk about this more. Next legislative session, we may hear more about that. If we don't take care of moderate-income housing as a City, the State will make rules to take care of it. **Bryan Pack** stated that the ultimate authority is the State they let us regulate as cities, but they can revoke that and regulate for us on any issue. Moderate-income housing was a high priority for the State. There is a task force and multiple committees brainstorming about this. **Chair Pam Gardiol** stated we are a subset of the State. **Mike Haycock** stated Goal S was originally doing a commercial/mixed-use zone, but there were no applicants. It didn't pencil out for developers so we changed the goal to eliminate impact fees from external accessory dwelling units. We weren't charging for that, but this sets it in stone. That should satisfy the State. We will also review impact fees and give them a study annually showing that we are getting 20-30 of these units a year that are impacting our City, but we are not charging for it. The impacts are distributed with the primary dwelling fees being higher. The impact for 20-30 units is fairly minimal. The second milestone is to complete a review and enact a new accessory dwelling unit ordinance by December 2025. Fees will be higher on future primary dwellings. 20-30 new accessory dwelling units are a minimal impact. **Commissioner Perry Brown** stated the last sentence accessory dwelling units needs to be capitalized as an acronym. **Mike Haycock** stated we will make those changes before any public hearing. Goal E reduces requirements for detached accessory dwelling units and we will talk about that later tonight. One Milestone 1, we have already reviewed the General Plan Milestone, we removed recorded casita agreements. In the past, owners that had an accessory dwelling unit in Ivins signed a contract that there was no monetary value and was for friends and family only. We went through the process of revoking those agreements, and now anyone can rent their accessory dwelling unit, as per State law. Milestone 3 completed a review and enact an accessory dwelling unit ordinance has been moved to December 2025, and Milestone 4 educate the community on accessory dwelling units, which is ongoing. We will have a public hearing next on this.

C. Discuss Accessory Dwelling Units/Detached Structures.

Chair Pam Gardiol stated that this is review regarding Chapter 11 and 12 with the purpose of looking at changes and providing feedback to Staff to move ultimately move these chapters to the Council. **Mike Haycock** stated that on Chapter 12 we added a table. We have been through all these notes, included in our minutes. There was a chapter on carports and allowing them throughout the City if they meet the setback table. We need to add that impact fees are not required in accessory dwelling units in 16.12.107 underneath (15). So now this chapter only addresses detached structures. Anything attached he moved those requirements to Chapter 11 where it talks about primary structures to eliminate confusion. **Commissioner Perry Brown** stated the sentence should read as "impact fees shall not be charged." **Mike Haycock** stated next time you see Chapter 12 it will be renumbered and you will see it in the full chapter format. 16.11.124 garage requirements. We added per unit so that people know each unit needs two parking spaces. Garages cannot be a height greater than 22 feet, not inches. People are putting massing to one side of the house so they can get a detached garage height they want. That was not the intention. Anasazi is a good example of a contractor figuring that out. **Commissioner Doug Clifford** inquired who we used to reference these changes? **Mike Haycock** stated people come to the counter and maybe this

DRAFT

gentleman has a bigger property than his neighbor but he can't build the bigger garage because of his primary structure's footprint. **Commissioner Dave Robinson** stated it is clear why it is written the way that it is written. **Bryan Pack** stated there is no perfect ordinance. We may make these changes and discover unintended consequences and change it again in six months. It is so much to understand. Mike Haycock is the best person we have to write this up because he is in the code each day. **Commissioner Doug Clifford** stated that this is a living document that is always going to change and that is why we need to look at them on a regular basis. **Mike Haycock** stated that building code and trends change also. Flat roofs with tall garages for RVs are the cool thing right now. We are suggesting eliminating Item IV-regarding rear yard setback. We can keep those setbacks included in larger lots if you want. The biggest thing we found in Padre Canyon was 25% coverage so we went to 40% of the entire lot on the table. It needs to say within setbacks. Right now, in all zones it is 100%. There is a note to reference to go to Chapter 12 for detached but this table still covers it. Garages and carports cannot be greater than 70% of the footprint of the habitable area of the primary dwelling not to include garages, porches and awnings. He suggests striking that section completely and just use percent coverage. Patios and awnings that are not greater than 800 square feet, one-story in height and open on three sides can be within three feet of the property. Do we want to continue to allow those in the setback area? The fire code is also addressed here. **Commissioner Dave Robinson** stated currently they can build within three feet if combustible, two feet if non-combustible. Where does 800 square feet come from? **Mike Haycock** stated that the existing ordinance states that if you are 800 square feet or less, you are allowed in the setback area, because it is attached. Add square feet to this line instead of feet. **Commissioner Dave Robinson** stated leave it the way it is. **Mike Haycock** stated people are using that exception. We allow building in an easement but if there is something in it, we tell builders. The consequence is if something is in there, the utility company may not fix it. **Bryan Pack** stated change it from "within setback area" to "outside." **Mike Haycock** stated next meeting we will review the complete ordinance renumbered.

D. Discuss Zoning Text Amendments to Title 16 Chapter 14 Regarding Class I Uses.

Mike Haycock stated that we are looking at these zoning text amendments to clarify and address some concerns. We have rewritten the disturbance area based on prior suggestions from the Planning Commission. We have added that the Zoning Administrator makes the decision, and TRC reviews and recommends the application. Sensitive Lands Committee gets it sent from TRC if there was a ground disturbance. We changed the amount of copies needed. Title 5 Chapter 10 is another regulating ordinance so it states if you need a Class 1, they also need to get approval through the event chapter. Those can be done simultaneously. The definition of special event is listed. We left 45 days in here for the event itself. Bryan Pack stated in the "effect of approval" section, we removed the Zoning Administrator because Section 102 is where the approval authority is defined. We removed it in Sections 108, 109 and 110. **Mike Haycock** stated appeals are as per the zoning ordinance. This sends them to the appeals chapter. Temporary structures is a new section. Most of these come in kits. He suggests we take away the Chapter 19 requirements for getting those temporary structures assembly, both up and down, done as quickly as possible. That way no matter what, they don't need a special kit or color in Ivins. We don't require that of Tuacahn or Kayenta Arts. This is not for people playing golf, but for events in the city as a whole. **Chair Pam Gardiol** stated we already have a precedent of not complying with Chapter 19. We need to be

DRAFT

consistent. **Mike Haycock** stated yes that is why we are asking you to change the ordinance so that everyone can comply. **Chair Pam Gardiol** stated she doesn't want unintended consequences by having the tail wag the dog and make exceptions. **Commissioner Dave Robinson** stated that the consistency is that 90% of these structures are white. Ivins City Heritage Days tents are white. The realization has come that we aren't able to follow this anywhere in the city, so we need to remove it. **Bryan Pack** stated that this language states that we don't need to consider Chapter 19 for temporary structures, which is already happening. If they are able to get it up and down in less than 90 days, they don't have to comply with design guidelines. **Commissioner Brandon Weight** stated he likes that those are very descriptive requirements being defined. They won't have a circus tent without having to meet the building requirements. **Mike Haycock** stated that if it is larger than 200 square feet it has to meet building codes. **Commissioner Brandon Weight** suggested making those subsections to break them both up. **Mike Haycock** stated that 16.33 table shows that the length of an event can be 45 days. We want them up and down as fast as possible, but not make it a burden. He just doubled the time, but it is a recommendation. At Black Desert, next year and the year after you won't see anything over two stories with a shade roof over it. **Chair Pam Gardiol** stated that the issue is not how we accommodate the vendor, but how do we get the vendor to integrate into our community? **Mike Haycock** stated we need to talk about the timeframe because these are being done everywhere. What is also good for the community is the tax revenue an event brings. **Commissioner Dave Robinson** stated we are saying 90 days for event and teardown, and 45 days is all that an event can last. The PGA event was about 6 days. Instead of naming 90 days for everyone, what about so many days prior and post to put up and tear down? Heritage Days is around two days. We wouldn't want that left up 90 days. What do contractors need for bigger events to be set up? **Commissioner Brandon Weight** stated when they file an application they use our code to define the event they fit into. Could that timeframe be proportionate to the size of event they fall into at the time of application? Fill those days in. **Commissioner Doug Clifford** inquired do we need to know about the amount of people? The space used? What advantage would there to be to leave it up? **Commissioner Dave Robinson** stated they usually want them down fast because they pay rent on those. **Commissioner Brandon Weight** stated if Black Desert Resort said they want two weeks next time, it could explode into being longer than six days. **Commissioner Dave Robinson** stated they already get 45 days in the current ordinance. **Commissioner Brandon Weight** stated a small event won't need as much time. **Commissioner Dave Robinson** stated that the hard thing is that the size of event may not dictate the type of structure they need. It may take a day to put up and another to take down. Black Desert Resort may be full construction and could take thirty days for set up and tear down. **Commissioner Doug Clifford** stated that can we negotiate those timeframes. **Commissioner Dave Robinson** stated that we had a haunted house that took weeks to set up for just one night. **Mike Haycock** stated we will have a public hearing with a recommended change to thirty days and then take it to City Council and Black Desert can attend to debate it.

E. **Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for October 15, 2024.**

DRAFT

MOTION: Commissioner Dave Robinson moved to approve the Ivins City Planning Commission Meeting Minutes for October 15, 2024.
SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

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

5) REPORTS

A. Planning Commission Members

B. Chair

Chair Pam Gardiol stated the General Plan after two years has been adopted. She recommends to review the document and review it in sections for each meeting and rotate who presents each meeting. **Commissioner Doug Clifford** stated that there were so many style differences, but it doesn't change what the plan does. What is the motivation of going through it again? He doesn't believe there are sections that really changed substantially. **Chair Pam Gardiol** stated a brief review could help us integrate the General Plan into our decisions. **Commissioner Perry Brown** stated that if we went through it in a systematic way, just get the highlights. If we don't, we may come up with five different interpretations of what it all means. We should have a common understanding of what is in the document. **Commissioner Dave Robinson** stated that he disagrees. We don't want to convince each other to all have to think the same. We may feel differently. We should all read it, but we have a lot on our agendas, and adding that may not be productive. **Commissioner Brandon Weight** stated he was not involved and has not read the plan so not a full discussion but highlighting each section would be good. It gets us into reading it without discussing it. **Commissioner Perry Brown** stated yes he agrees with just the highlights and he never meant developing group thinking. He just wants to understand what each of the other commissioners think. **Mike Haycock** stated this is a public meeting that is recorded, with minutes. He is always concerned with the length of meetings and the things on the agenda. When we have meetings over two hours it gets hurried and is less focused. **Chair Pam Gardiol** stated two Utah League of Cities and Towns meetings she has attended had a point made that the Planning Commission should not be reactionary but looking at long-term planning. The General Plan is the foundational document for us to draw from. Ordinances are written as a result of the General Plan. The Commission needs a common understanding of this document. We need a forum to discuss the General Plan and the real document that governs us. **Bryan Pack** stated he believes there will be plenty of opportunities for this to happen naturally. The direction from City Council for changes in ordinances that will be coming forward will have you reviewing the General Plan as part of those discussions. **Chair Pam Gardiol** stated that she wants to see that happen deliberately. It is a

DRAFT

significant document to review. There are some places our ordinances have not aligned with the General Plan. It is a living document and things change. She looks forward to talking about what is in the General Plan.

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated we will be getting a recommendation from TRC on the annexation plan. We will begin working on that as an ordinance. You may see that next meeting. He is no longer going to do subdivisions. Sharon Allen will handle those. There are a lot of other things going on and she will do a good job presenting those preliminary plans. She is the cog in the middle with subdivisions and with development agreements. It takes a load off a lot of people's shoulders and streamline those processes.

D. City Attorney, Bryan Pack

E. Items to be placed on future agendas.

6) ADJOURNMENT

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

VOTE: The motion carried unanimously.

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

DRAFT