IVINS CITY
PLANNING COMMISSION
MINUTES
January 14, 2025
435-628-0606

1) WELCOME

CHAIR AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chair Pam Gardiol, 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-Deputy City Recorder.
Audience Attending: Sharon Gillespie, Rob Roush, Eric and Lynn Savage, Tiffany Wynn, Bonnie Kline, 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-

A. Open meeting law training pursuant to Section 52-4-104 of the Utah Code.

Bryan Pack stated that by code we are required to give this training annually. Regarding public meetings, the public's business should be done in public. It ensures transparency, trust and accountability and they can see for themselves the decisions that are being made. The Open Meeting Act applies to any public body. City Council, the Planning Commission and the Arts Commission. The key is individuals constituting a quorum may not discuss or act together outside of a meeting. You can't get together and decide ahead of time how you are going to vote on a matter. The definition of a meeting is any gathering where a quorum is present and lawfully convened for the express purpose of acting as a public body to receive public comment, deliberate on, or take action on a relevant matter. This includes both in person, electronic or hybrid meetings. That includes workshops. A relevant matter is any matter within the scope of authority of the public body. Any land use regulations zoning applications, etc that you have jurisdiction over. Topics that are not under their scope and cannot vote on can be discussed and is not a violation to do that because it is not a relevant matter. Requirements for a meeting are public notices, posted at least 24 hours in advance. It has to have an agenda with specific topics and is also posted online as well as at City Hall. The agenda needs to be clear and specific. The public could argue that they didn't come to a meeting because they didn't know the scope of what was going to be discussed if the agenda is too general. We try to identify those items specifically

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on our agendas. Only those items listed on the agenda can be discussed or acted upon. In City Council there is an item where citizens can come forward with topics and the Mayor may allow them to discuss that item. No final action can be taken at that meeting. It would have to be put on an agenda for a future meeting. Our agendas have reports at the end and that is a general topic. We should not make decisions, deliberate, or even really have a discussion in those reports either. That should be put on a future agenda so the public can be part of that process. We are allowed to call emergency meetings on occasion. We can close meetings for a variety of reasons. None of these are really relevant to the Planning Commission, but for strategic reasons, you can close a meeting for property acquisitions, sales, development agreements, investigative proceedings, etc. Open meetings have to be recorded and our minutes are prepared by Sharon Allen and meet all those requirements to gather the substance of what was talked about. We can simplify and Council is talking about relying on the recording with a very brief representation of what was discussed. We have not talked about that with the Planning Commission at this point. If there are violations of the Open Meetings law-like failing to provide proper notice; taking action on an item without an agenda; or closing a meeting without legal justification, those would all be considered violations. Penalties could include court action, nullifying whatever action was taken, and criminal penalties such as fines. It is a Class B misdemeanor, so there is a potential for jail time to be added. Most violations are nullified and then remedied by putting it on the next agenda and doing it correctly. **Commissioner Brandon Weight** inquired if we can you use AI in public meetings? To take the recordings and transcribe it? State government is preventing the use of that. **Bryan Pack** stated that there is nothing in the code yet about that. We do use AI a bit in that capacity already. Planning Commission however is the final edit of those minutes and check for errors and that it reflects what you have said. **Chair Pam Gardiol** stated that AI could be used as a took but ultimately we do the final edit to make sure key points and content are addressed. **Bryan Pack** stated that there will be disclosures to fill out at the next meeting and we may have an ethic training in the future.

3) PUBLIC HEARING AND ACTION ITEMS-None.

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss the Ivin City Annexation Plan.

Chair Pam Gardiol stated that the purpose is to carry out the Planning Commission duties as listed in this document in Chapter 2-Procedure of Adopting the Annexation Policy Plan. The first duty is to prepare the proposed Annexation Policy Plan, then to hold a Public Hearing and make a recommendation to the City Council. **Mike Haycock** stated that we are ready to see if you have any comments to go to the Public Hearing. **Chair Pam Gardiol** stated it is the intent of this Annexation Policy Plan to protect and enhance the private property rights of the property owners within the municipal boundaries and in unincorporated areas surrounding Ivins City. It is further the intent that the regulations contained herein shall encourage sound planning practices and reduce the major sources of problems usually associated with the annexation process. **Commissioner Perry Brown** stated that the redlines were consistent with the things we discussed and asked Staff to do, and it is a pretty clear and comprehensive document now. **Chair Pam Gardiol** stated that under Legislative Policy-#3 says municipal boundaries should be

extended in accordance with specific standards. "Specific standards" are what are listed in Chapter 3. Those should be consistent. **Mike Haycock** stated that Chuck Gillette showed in his presentation and map what was developable and not developable. If you get too specific you may box yourself into a decision. Chuck Gillette showed those areas and what we liked about each area. In other areas he stated we don't expect any development there. **Chair Pam Gardiol** stated we just need a cross-reference to what those "specific standards" are. **Mike Haycock** stated that was discussed in TRC and being too detailed would eliminate decisions later so that is why it is left general. **Commissioner Perry Brown** stated that the "criteria" listed in Chapter 3 fulfilled that requirement. **Chair Pam Gardiol** stated on Page three it states "specific standards" so maybe we need to use the same word "criteria" or reference Chapter 3. **Commissioner Brandon Weight** stated in Chapter 3 Paragraph L, most of the subsections in there use the word "shall". Do we need to use the word "may"? "Shall" means they are required to, and "may" means they can choose to. **Commissioner Perry Brown** stated the fact that it has to be considered doesn't mean they have to adopt it. May is permissive. We have to look at it, but it doesn't mean we have to adopt it. **Commissioner Brandon Weight** inquired if that was the expectation? Is that the intent? **Bryan Pack** stated that he believes "shall" is the appropriate word. **Commissioner Doug Clifford** stated that these are the items we expect to cover and go over. We know General Plan is a guidance document, but this word puts some teeth in it that we have to consider it and make a decision based on information we receive. **Bryan Pack** stated that Council would consider it and then they will move forward. It just states that we will look at those areas to see if there are issues. **Commissioner Doug Clifford** inquired what annexations have happened in the last 20 years? **Mike Haycock** stated we may see one soon in the next year or so from SITLA. There was one minor one done in the last twenty years. Every five years we should look at this Plan. We will move this to a Public Hearing on February 4th.

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

MOTION: Commissioner Perry Brown moved to approve the Ivins City Planning Commission Meeting Minutes for December 17, 2024.
SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

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

5) REPORTS

A. Planning Commission Members

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B. Chair

Chair Pam Gardiol stated she had the opportunity along with Commissioner Perry Brown to attend What's Up Down South conference and there were a couple of fascinating sessions on Artificial Intelligence and discussions on how that will influence how we do business and take minutes.

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated that the legislation is moving bills forward and it may change what we do with external Accessory Dwelling Units on Chapter 11 and 12. We will watch and wait on those ordinances until their session is over and see what mandates those might affect. He is hopeful that the ability to plan remains with cities.

D. City Attorney, Bryan Pack

E. Items to be placed on future agendas.

Mike Haycock stated that Black Desert Resort has a piece of property that needs a gas regulator. The only zone that is allowed in is CLM so there will be a request coming to change that zone for the gas company. That will be presented February 4th.

6) ADJOURNMENT

MOTION: Commissioner Brandon Weight moved to approve ADJOURNMENT
SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

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

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