IVINS CITY
PLANNING COMMISSION
MINUTES
April 29, 2025
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 Brandon Weight, Commissioner Doug Clifford, Commissioner Dave Robinson, and Commissioner Perry Brown.

Staff Attending: Rob Dalley-Building and Zoning Administrator, Will Wagner ran Zoom and Sharon Allen-Deputy City Recorder.
Audience Attending: Jerry Nostadt, Myles Parker, Adam Allen, Louis Carnesale, James Barden, Bonnie Kline, Sharon Gillespie, Jared Madsen, Al Tunbridge, Matt Marten, Terry Marten, Randy Johnson, Sharon Barton, Tonya Dalley, Lisa Ganz, Tom Ahey, Dave Lynn, Brett Henke, as well as others who did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Commissioner Perry Brown

C. Invocation--Commissioner Perry Brown

D. Disclosures-None.

2) REPORTS, PRESENTATIONS AND APPOINTMENTS-

Chair Pam Gardiol stated that there is a Fire Safety Talkabout at Rocky Vista University on May 7th. Fire and Rescue Chief Dan Cazier will be there, along with Fire Marshall and Division Chief Con Fulde and Utah Insurance Commissioner John Pike. This will be a very informative meeting to attend so please join us and tell all your neighbors. This is an opportunity to hear more about what the City is doing to protect us, and what more we can do ourselves to protect each other.

3) PUBLIC HEARING AND ACTION ITEMS-

A. Public Hearing regarding recommendation to approve a Concurrent Map Amendment from LDR (Low-Density Residential) and HDR (High-Density Residential) to an HDR land use, and RA-5 (Residential Agricultural, minimum lot size 5 acres) and R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft) zone to RE-2-10 (Residential Two-Family District, minimum lot size 10,000 sq ft) on approximately 10.69 acres.

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Located at approximately 800 West Old Hwy 91. Louis Carnesale-Owner. American Consulting and Engineering-Applicant.

Chair Pam Gardiol stated that staff's review of the application is complete and is in compliance with City code as well as the land use plan. Zoning districts are established to achieve the purposes of the General Plan and related land use ordinances. Using zone and land use regulations strategically ensures that new development's style and intensity do not detract from the City's unique character. The Ivins City General Plan supports neighborhoods that provide a variety of housing options designed to meet the financial and aesthetic needs of a broad range of residents. The Planning Commission is bound by the ordinances and laws that govern the cities. Adam Allen with American Consulting and Engineering stated that he is working with Louis Carnesale, the owner on this property and they are working next to a high-density area. This is a good area for this. There are not a lot of neighbors and so they chose 2-10 to get a higher density, but it will still look like one big house and blend in with the Kayenta area. It will provide some attainable housing that feels cohesive with the community. **Rob Dalley** stated that there is a sliver of R-1-5 that is already zones high-density residential and to the east is R-1-5 and to the northeast is R-1-10 that wraps around and above is RE-20 that we rezoned two weeks ago. They are asking for something that is cohesive with our General Plan and blends things together. It matches our City goals and ordinances. That is the staff's recommendation. **Commissioner Dave Robinson** stated that the description is stating it is already partially low-density residential and high-density residential and concurrently and RA-5 and RA-1-5 to be zoned RE-2-10. Are those all-inclusive in this parcel? Adam Allen stated that the zone map does not follow the parcel lines. The parcels have bubbles so there is a sliver of high-density at the east edge of it and low-density residential is the RA-5. **Commissioner Dave Robinson** stated that it makes more sense now. **Commissioner Perry Brown** stated that it should read R-2-10 not RE-2-10. **Chair Pam Gardiol** opened the public hearing. **Will Wagner** stated there was no one on Zoom. Hearing no further comments, **Chair Pam Gardiol** closed the public hearing.

B. Discuss and consider recommendation of a Concurrent Map Amendment from LDR (Low-Density Residential) and HDR (High-Density Residential) to an HDR land use, and RA-5 (Residential Agricultural, minimum lot size 5 acres) and R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft) zone to RE-2-10 (Residential Two-Family District, minimum lot size 10,000 sq ft) on approximately 10.69 acres. Located at approximately 800 West Old Hwy 91. Louis Carnesale-Owner. American Consulting and Engineering-Applicant.

Rob Dalley stated that there will be a sensitive lands review when they come forward develop. **Commissioner Dave Robinson** stated that it impresses him that there are so many zones that buffer this and this is where our General Plan comes in. This is a great place for this project. **Commissioner Doug Clifford** stated he feels the same way. **Commissioner Brandon Weight** stated we need to state that it is R-2-10, not RE-2-10. **Chair Pam Gardiol** stated that

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she concurs with their effort to integrate with the complexity of that area is noteworthy. **Rob Dalley** stated this will move forward to City Council.

MOTION: Commissioner Dave Robinson moved to approve recommendation of a Concurrent Map Amendment from LDR (Low-Density Residential) and HDR (High-Density Residential) to an HDR land use, and RA-5 (Residential Agricultural, minimum lot size 5 acres) and R-1-5 (Residential Single Family, minimum lot size 5,000 sq ft) zone to RE-2-10 (Residential Two-Family District, minimum lot size 10,000 sq ft) on approximately 10.69 acres. Located at approximately 800 West Old Hwy 91. Louis Carnesale-Owner. American Consulting and Engineering-Applicant. He corrected R-2-10 and based this on the fact that it blends and buffers very well with the City plan to bring those multiple zones together. Unanimous.
SECOND: Commissioner Brandon Weight

VOTE: The motion carried unanimously.

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

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss and consider approval of Circle Cliffs Partial Amended "A" Preliminary Plan, located at approximately Main Street and 300 Nouth. William McIlrath-Owner. Jared Madsen-Applicant.

Chair Pam Gardiol stated that the address needs corrected to 300 North, not South. The purpose is to review whether this preliminary plan application is complete and conforms with City code. The proposed preliminary plan aligns with City goals by its development potential and existing development rights under the current land use ordinance. The Technical Review Committee has reviewed and further verified that this plat is being amended to sell off three lots. **Rob Dalley** stated that this conforms with the General Plan and the zone. The power line may go underground and there will be one more water meter. **Commissioner Dave Robinson** stated that there is an existing structure on this parcel already. **Commissioner Perry Brown** inquired if that home is occupied? Jared Madsen stated they will demo some of that property to start over. Rocky Mountain Power has not directly responded, they said it is complicated, and the City is considering putting some of their lines underground. **Commissioner Perry Brown** stated it will be a considerable improvement in that area and fits with the surrounding properties. **Chair Pam Gardiol** stated she agrees.

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MOTION: Commissioner Dave Robinson moved to approve Circle Cliffs Partial Amended "A" Preliminary Plan, located at approximately Main Street and 300 North. William McIlrath-Owner. Jared Madsen-Applicant, and that this plan fits in well. Unanimous. SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

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

B. Discuss and consider approval of Crossings at Red Desert Amended Preliminary Plan, located at approximately 800 South Main Street. Montevad, LLC at Ivins Red Resort LLC-Owner. Thomas Ahey-Applicant.

Tom Ahey stated that they are separating the plats and phases and creating two different CCRs for the development because of the twinhomes. 78 lots is for the whole development. We will be selling the twinhomes individually. **Chair Pam Gardiol** stated that this looks like an intense lot. She drove by the other place that the Commission discussed, and it is not on the agenda but she was stunned at the amount of cement. So when she looks at this, that similar intensity is her concern. Tom Ahey stated there are ten feet to the property lines, that is according to the zoning. The townhomes have four units each. **Rob Dalley** stated that they are individually selling the twinhomes. There will be driveways and limited common and common areas. Those are areas that will be landscaped. The walkways will be concrete. **Commissioner Doug Clifford** inquired if the open space in the back will be walled? **Rob Dalley** stated that there will be privacy walls and a break space for the Fire Department. **Commissioner Dave Robinson** stated that this project has much more access than the project they discussed last meeting. Tom Ahey pointed out where each property will be gated and these common areas will be maintained by an HOA. The townhomes will have fire access along the back. **Rob Dalley** stated that this is the type of project that the State wants us to do and is more accessible.

MOTION: Commissioner Perry Brown moved to approve Crossings at Red Desert Amended Preliminary Plan, located at approximately 800 South Main Street. Montevad, LLC at Ivins Red Resort LLC-Owner. Thomas Ahey-Applicant, based on the need for modification for the twinhome properties to be sold individually. Unanimous. SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

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

C. Discuss and consider approval of Kwavasa Phase 3 Amended Preliminary Plan, located at approximately Kwavasa Drive and Kaleva Trail. RT Marten/RT Marten Utah/Kayenta Homesites/Bryan Overlson/SITLA-Owner. Brett Henke-Applicant.

Chair Pam Gardiol stated that the Technical Review Committee recommended updating the phasing numbers and Kaleva Trail will be completed on that portion and the developer will add that note. Brett Henke with Kuma Engineering stated that this project is typical to the other subdivisions out there and will follow the same design standards. There will be a percentage of the lots that remain natural. We won't grade that portion of those lots. The streets are public as a request from engineering. The path will be extended up Kwavasa Drive and continue that to the north, and a path on Kaleva Trail that heads to the west. It will follow the same guidelines as Kayenta. **Commissioner Brandon Weight** inquired about the drainage easement and maintaining the wash through the back of those properties? Brett Henke stated that the drainage easement follows the current FEMA map and we leave that in the easement so that if anything needs to happen in that wash there is an easement there that makes us able to get in there. Elevations are approved and Kayenta is involved in that. The floodplain doesn't extend out past that easement. It is an easement for future maintenance. There will not be maintenance or construction that happens in the wash. **Commissioner Brandon Weight** inquired what if someone needs to come maintain the wash, how would they access it? Brett Henke stated that would never happen, but it would be the same as the other side where there is development. You would have to go down the wash or there is a drainage easement along the side of the lot line. **Commissioner Brandon Weight** stated that the intent of the easement is to prevent the landowner from doing anything in that wash. Brett Henke stated the intent is to protect the development and the City in the event that something had to happen. But there is no crossing there. Water would cross at the streets of the wash. This will be left natural. The homeowners can't get in the wash and do anything to it. **Chair Pam Gardiol** stated that washes are docile until they are not. **Rob Dalley** stated that Chief Dan Cazier has aggressively with some grant money gone through our washes to maintain them and mitigate fire. They assess that and if they need to, they will send hand crews in to mitigate those. **Chair Pam Gardiol** inquired if the way the development is being built allowing that access to get into the wash to maintain it? **Rob Dalley** stated that Mana Court where the hammerhead is, they will have full access when that road extends through. **Commissioner Brandon Weight** inquired why we don't just move the property line to the drainage easement line? Why do an easement at all? Brett Henke stated then

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we don't know who maintains it, or if it is even part of the development. The best way to address this is on the final plat, note that the wash is accessible and list the reasons why. We can call it a drainage and access easement. A lot of work has been done to remove tamarisk in that area. If there needs to be verbiage to let homeowners know who maintains it we can add that. **Commissioner Brandon Weight** stated this comment is more towards Ivins City and making that property line the easement line and the City maintain it like they would trails or anything else. Brett Henke stated it is a significant wash to carry water. In 2014-2015 there was a significant flood there. There were changes made to that crossing. There is a need to access it and pull things out. Water would not appear to jump out of that wash. It is steep and deep. There is a detention basin upstream to help keep debris out of this area. Whoever owns the lot would be ultimately liable for maintaining their portion of the wash. We are not approaching this development that the City maintains the wash. The note can say that an easement is granted to the City or HOA so that they can maintain something if they do need to. The note will not transfer that responsibility to the homeowner. It will be natural and no development will be allowed there. **Commissioner Doug Clifford** stated that as we watched this last year, we have seen numerous communities have environmental concerns, where growth of brush attributed to the fire risk. People have lost the ability to get fire insurance. We do need to look at that and show who is responsible. **Commissioner Brandon Weight** stated that if this is my land, and a portion breaks free and floods, he gets sued by the neighbor because he didn't maintain his portion of the drainage easement. He has no problem with an approval on this if we make a note to protect the landowner and help them understand what their liabilities are. Brett Henke stated that there are no proposed changes to the wash. The homeowners can't make changes to the wash. It is to be left natural. It is not something you could predict or plan for. It would be hard to establish that a homeowner would be the cause for that to happen. He can note that their property contains an active wash that does carry water through their lot. **Commissioner Dave Robinson** stated you would give them the knowledge and tell them they have to maintain it but they can't touch it. Someone has to be allowed to touch it if it does breech. Matt Marten stated if there is a natural flow, you cannot impede the natural flow. Even adding wording may confuse the legality of that. He can see Kayenta homeowners thinking they now have to be proactive and need to build rock walls. You could create an issue that doesn't exist. There is already language about natural washes that go through property in written law. **Commissioner Doug Clifford** stated Toe Trail is an example in big scale with a dike and overflow channels and pipes and it is a very large flow. We should look to see which washes raise themselves to this level. Matt Marten stated a culvert was added on Kaleva. There has been a whole project upstream that was federally funded to mitigate any issue of this, and Kaleva Trail is oversized because the HOA decided to do that. When talking about potential fire hazards, it is not well-defined. Insurance companies make it very difficult for people to know what they are supposed to do. Con Fulde and the Fire Department came out after the huge fire in California and our natural environment is a 15-minute burn and the big problems are the trees people are planting. That is most worrisome. The spark gets in those and lights them up. **Commissioner Brandon**

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Weight stated if there is a public utility easement in front of his house, he is given clear direction on who owns it and what he can or can't do within that easement. This should be a perpetual easement claimed by someone to do a certain act. Brett Henke stated that this will get addressed in the final plat and it will be an easement granted to Ivins City and the HOA. Granting that easement does not put liability on either. Platting that doesn't require that they do the maintenance. **Rob Dalley** stated we can address this at final plat. It is much like a utility easement. It gives the City the right to go in and fix what needs to be. **Commissioner Brandon Weight** stated that statement tells the landowner that the City maintains that wash, and they don't. Brett Henke stated When you have an easement, that doesn't mean the City maintains it. This just shows that the homeowner can't develop or change the wash. **Commissioner Brandon Weight** stated that if it breeches, they are not allowed to do anything. Brett Henke stated that the easement does not prevent a homeowner from doing maintenance. That is in the CCRs. When a home is built they can't drain water into the wash, it goes into the street where the stormdrain is. They can't punch a hole with a pipe into the wash or change the existing state. It is not an overgrown wash. If it is easier, we can take that easement off the back of the property. The intent of the easement is not to assign responsibility and the requirement to maintain it. **Commissioner Brandon Weight** stated then list it as an access easement. Brett Henke stated he is not opposed to that, but it is called a drainage easement for the wash. It is literally where FEMA outlines the wash. We had another preliminary plan with minor washes and the City made them do a drainage easement. This is a carryover of that request. He can make it a drainage and access easement. **Commissioner Doug Clifford** stated what we should do is pass this with the addition that our City Attorney look at that easement language. **Commissioner Dave Robinson** inquired why didn't the property lines follow it? That would have been the simplest fix. Matt Marten stated this plan is consistent with almost 50 years of planning in Kayenta. It has worked for all that time and to go away from it is almost confusing. Where we have had issues is when we have not had easement access. **Commissioner Dave Robinson** stated that if it was following on property line, you could go in there and deal with whatever needed to be dealt with.

MOTION: Commissioner Doug Clifford moved to approve Kwavasa Phase 3 Amended Preliminary Plan, located at approximately Kwavasa Drive and Kaleva Trail. RT Marten/RT Marten Utah/Kayenta Homesites/Bryan Overlson/SITLA-Owner. Brett Henke-Applicant, with the condition that our City Attorney looks at the drainage easement access language to be added on the final plat.
SECOND: Commissioner Brandon Weight

VOTE: The motion carried unanimously.

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

D. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for April 15, 2025.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for April 15, 2025.
SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

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

5) REPORTS

A. Planning Commission Members

Commissioner Dave Robinson stated we can put discussion of that subdivision we all went and looked at on for an agenda item next meeting. **Chairman Pam Gardiol** stated we can discuss what the lessons learned from having all seen that development. How to inform ourselves and relay information to the Technical Review Committee and make recommendations to change an ordinance.

B. Chair

C. Building and Zoning Administrator, Rob Dalley

D. City Attorney, Bryan Pack

E. Items to be placed on future agendas.

6) ADJOURNMENT

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MOTION: Commissioner Dave Robinson moved to approve ADJOURNMENT

SECOND: Commissioner Perry Brown

VOTE: The motion carried unanimously.

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

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