MEMORANDUM

Date: **November 6, 2025**
To: **Mayor, City Council, & Planning Commission**
From: **Charles Gillette, P.E., City Manager**
Re: **List of Concerns with the SITLA40 Project Proposal**

SITLA is looking to develop 40 acres of land that sits adjacent to Ivins on the southwest side of the City. A development proposal has been informally submitted and a request was made to meet with City Council and Planning Commission to discuss the feasibility of annexing and approving a project such as was presented. The proposal submitted has 254 lots most of which are 3,000 and 4,000 square-foot lots.

It should be stated from the start that Ivins City is committed to doing more to provide attainable housing. However, there are some serious issues and concerns that need to be understood that put in question whether this is the right location for the proposed affordable housing project. These issues must be addressed in a thoughtful manner to help us proceed with any development plan. The purpose of this memorandum is to list the concerns and issues for additional discussion.

1. Annexation and Provision of Utility Services

The proposed SITLA project area is currently outside Ivins City limits. Annexation would therefore be required prior to development. In consultation with both the City Attorney and the attorney of the State Ombudsman Office it appears there are no state laws that would obligate Ivins City to annex adjacent lands.

Similarly, it appears there are no state laws that would obligate the City to extend municipal utility services, such as water, sewer, or power, to properties outside its boundaries. Should the City decide not to annex due to concerns with the project plan, the developer would need to explore alternative service options. Among these, sewer service appears to be the most challenging to provide through any means other than the Ivins City system.

2. SITLA's Claimed Exemption from Local Land Use Ordinances

SITLA has asserted that its developments are exempt from local land use ordinances, however they have also indicated that their preference is to work with local communities to hopefully arrive at development plan that is acceptable to the City . However, this exemption has not been definitively upheld by the courts.

A relevant precedent exists in Wayne County, where SITLA proposed a rock quarry that conflicted with county ordinances. Although the court upheld Wayne County's approval of the project, the case was not appealed and ultimately settled, with the quarry never constructed. This limited decision did not firmly establish that SITLA may disregard local land use controls without restriction.

State law does provide that the State is generally exempt from local ordinances. However, as clarified by the State Ombudsman's Office, it remains unclear whether that

exemption applies to land that SITLA intends to sell or lease for private use, rather than for official state purposes.

3. Compliance with Current City Codes

The current SITLA project proposal does not comply with several Ivins City land use ordinances:

- **Lot Size:** No single-family residential zones allow 3,000-square-foot lots. The City's highest-density zone, R-1-5, allows a minimum of 5,000-square-foot lots.
- **Garage Requirements:** All homes are required to provide at least a two-car garage. Reducing this to one-car garages could significantly increase on-street parking and congestion; this impact would need careful evaluation.
- **Retaining Walls:** Walls adjacent to streets exceeding 4 feet in height must be tiered. The current plans do not reflect this requirement.
- **Grading and Setbacks:** The City requires additional setbacks where pad elevations differ significantly from adjacent developments to reduce grading impacts. The engineer should review Code Section 16.11.134 carefully to ensure compliance.

Ivins City Council has shown interest in reducing the minimum lot size to 3,000 square feet and to allow one car garages in an effort to remove additional barriers to affordable housing

4. Sensitive Lands Ordinance

Under Ivins City's Sensitive Lands Ordinance, higher-density residential zones may only disturb 30 percent of land with slopes greater than 12 percent.

This ordinance was enacted to preserve the natural viewshed of Land Hill. A land use change from low-density to high-density residential in this area would conflict with the spirit and purpose of that protection.

5. General Plan Considerations

The Ivins City General Plan emphasizes the importance of **buffering** between developments of differing densities or land uses. Allowing 3,000–4,000-square-foot lots directly adjacent to the Indigo Trails subdivision (zoned RE-15,000) without adequate buffering would conflict with this guiding principle.

6. Access and Connectivity

The project must provide at least two points of access.

- The proposed access through Indigo Trails would likely require condemnation to acquire necessary right-of-way and would therefore be extremely difficult.
- The proposed southern access traverses BLM property and is not considered feasible.

- A potential secondary access might be achievable through the WCWCD property, along with another location shown on the current plan.

7. Suitability for Young Families

While Ivins City supports development that attracts younger residents and offers attainable "starter homes," this site raises several concerns:

- Retaining walls up to 21 feet tall—plus potential six-foot caps—could create walls approaching 26–27 feet in height. This raises significant safety concerns, especially for families with children.
- The site is not proximate to City parks, meaning residents would likely need to drive rather than walk. Walking routes would require traveling along Old Highway 91, an arterial street with relatively high traffic speeds.

8. Affordability and Site Constraints

Ivins City is committed to expanding attainable housing opportunities in line with Governor Cox's goal of 35,000 new starter homes statewide by December 2028. Based on population proportion, Ivins' contribution would be approximately 110 units, and the City intends to meet or exceed that target.

However, the proposed SITLA site presents significant challenges to affordability:

- **Geologic Conditions:**
  - Roughly 50% of the site is underlain by Shinarump Conglomerate, which requires costly excavation and removal.
  - An additional 15–20% contains expansive blue clay soils, which typically must be removed 12–17 feet below foundations and replaced with imported fill.
- **Retaining Walls:** The grading plan includes retaining walls over 21 feet high, with estimated costs ranging from $20,000–$60,000 per lot.
- **Drainage Requirements:**
  - Expansive soils necessitate robust drainage systems to prevent saturation and structural instability.
  - Three major drainages from Land Hill cross the site, carrying high sediment loads during storm events. Facilities must be designed for the full 100-year storm and include sediment basins.
  - The current plans do not identify any detention basins, which would be required unless easements are secured from the BLM and affected private property owners.

Conclusion

While the City vigorously supports all efforts to enhance attainable housing, the proposed SITLA project, in its current form, raises significant concerns regarding annexation, code compliance, site suitability, and affordability. Further evaluation, design modification,

and coordination with the City will be required before the project could be considered consistent with Ivins City's policies and long-term vision.