IVINS CITY
PLANNING COMMISSION
MINUTES
September 15, 2026
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 05:30 p.m. All present included Chair Brandon Weight, Commissioner Pam Gardiol, Commissioner Doug Clifford, and Commissioner Dave Robinson.

Staff Attending: Chuck Gillette-City Manager, Bryan Pack-City Attorney, Rob Dalley-Building and Zoning Administrator, and Sharon Allen-Deputy City Recorder.
Audience Attending: Bonnie Kline, Sharon Gillespie, Tiffany Wynn, Shad Johnson, Eric and Lynn Savage, Ken and Paula Bishop, Wayne Pennington, Robert Bolar, Suzy Appel, Lance and Jennifer Anderson, 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—

A. Concurrent Land Use/Zone Map Amendment from LDR (Low-Density Residential) to MDR (Medium-Density Residential) and HDR (High-Density Residential); and RC (Resort Commercial) and RE-25 (Residential Estates, minimum lot size 25,000 sq ft) with PD Overlay (Planned Development) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) and R-1-3 (Residential, minimum lot size 3,000 sq ft) and RC (Resort Commercial) on approximately 63.94 acres for Mojave Village, located at approximately Guy Lane and Fitness Way, ANA Enterprises-Owner. Lance Anderson-Applicant.

Lance Anderson stated that he has worked on this for 9 months and wants to give the reason for why all this started. We need to bifurcate the issues. There is a piece that is 160 resort commercial units that are already approved next to Guy Lane and Fitness Way. He kept the development agreement to match 99% of what was approved in December. He is not changing what has already been approved on the Resort Commercial or adding any

townhomes. If you take that equation out, he is building a conventional subdivision. He is taking R-1-3 and R-1-4 which we don't have, and then we also have some larger lots to the west for the larger real estate lots out there. His definition of undisturbed is really like Indigo Trails, where it is replanted and growing back to a desert feel. In the blue area alone we have about 16 acres that will be undisturbed. That is an agreement on that property he is buying from Quality from 2002 or 2004 that allows them to disturb up to 15,000 square feet, plus another 1,500 sq feet if needed on a lot and we have 16,500 square feet. On the bigger lots, we kept it at 35% which comes from the sensitive lands ordinance. He can't use the sensitive lands ordinance, but he is trying to accommodate it with the bigger lots. He worked on this project with DR Horton on the 160 units and some ordinances caused us grief on that. He looked around the City for a different area, but the area by the townhomes was too hard because of the roads going through it, and they wanted too much around 2.5 million. So he thought if he moved the Resort Commercial up top, further away from detached housing, which Council just approved a 35 foot tall building right next to him and he is not too happy about that. Then we can get started moving these smaller lots right away. 75% of those ten acres is already over-excavated about 16 feet, mixed and brought back up. That is how all of this came about was trying to get smaller lots and this area has two parks. One is still to be determined by the government, and we would help build access to Arrowhead and the other is Chinle Cliffs. The only thing we changed from the agreement is to put the height back up from 25 feet in the Resort Commercial part. Looking at it, if there was not an agreement on the property already, he would just be doing a conventional subdivision. But because he has an agreement on it, we don't want any overnight rentals anywhere else other than the 160 units. He lives not too far from there and there are a lot of young families there at Azalea, Sage Villas and Red Mountain Townhomes. This would give another opportunity for that demographic as well as some others. On the 160 units, we actually only have rows of 29 feet that would have been private roads, so now we put in 43 foot roads so we can have sidewalks on both sides which is almost and 83 feet between the buildings. Sage Villas is like 40-50 feet to compare measurements. We still have the same agreement in the Resort Commercial that we pay for the $5,500 park fees towards building the park amenities. The outer perimeter height has changed but everything else is a regular subdivision. We will want to gate the area that goes up to create that buffer and do that project as a whole. There is a certain dollar he has to deal with. That is real and this will be a great project. If this doesn't go through, he will build the 160 units and be done with it. This is an opportunity to create some diversity in a good spot. It has good access and a roundabout and the bus stop. Two parks is a big plus. This is not being done too quickly. He has negotiated this for 9 months and had two joint meetings and several conversations. He has taken things the City has said and implemented them. The City's road connection off Guy Lane was important so we took a

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couple lots out of there. When the 90 acre Park gets done, we will have six accesses into that area. In our previous agreement with Chinle Cliffs, there will be a regional retention basin planned to the northeast that the City owns already. It has all the utilities and accesses to make a good project. **Rob Dalley** stated that he sent out an email listing his concerns. He will leave it at that. There is an overlay of what is being presented and what Chinle Cliffs was, just to compare to see those differences. **Chuck Gillette** stated that the development agreement we are not approving tonight. This is a recommendation for the zone change. That is contingent on the development agreement. **Bryan Pack** stated they are tied together and one does not happen without the other. **Chuck Gillette** stated the attached site plan shows where the 160 units are moving to, and the R-1-3 zoning. Lance Anderson stated the hatched area is the R-1-3 and the unhatched is R-1-4, but the zone we are asking for is R-1-3, because we don't have an R-1-4. In the development agreement we are defining where the 4,000 square feet or greater lots are. **Chuck Gillette** stated the bigger lots is where the slope is most visible on the site and important to protect it for the rest of the City. We don't want to stack those houses. We want that area to be more low density residential development. The development agreement states that we may change things as we go through the preliminary plan process as it moves forward. Our engineering team has not reviewed the roads and we don't have a drainage study or traffic study beyond the 160 units and that will need to be updated. We will need a soils report obviously. The drainage could also change the layout. The zoning boundaries would stay the same. The intent is to stay close to this site plan, but the development agreement acknowledges that it could change in the future. There is an existing agreement with the current owner of that property that if we need that access to connect to the future park before they do, we pay for certain improvements. If they put those improvements in for us, we reimburse them the cost of what we would have spent to put those improvements in. That is part of the acquisition of the park. There is language in the development agreement that addresses that. Another important feature of this agreement is the disturbed area analysis. There are 14 large estate lots and the applicant has proposed limits of disturbance. The map also shows which lot is which. One of the bigger lots are at 37.6%, etc. They are about the same size and disturbance as the settlement agreement on five lots. There is less disturbance on others. Lot 1 is not in sensitive lands at all. Lot 2-3 are in transition zone and they've kept those areas of disturbance at 49% and 35%. In the sensitive lands ordinance we minimize fill slopes and maximize cut slopes so houses are built into the hillside rather than setting your house on top of a platform. We got pushback from the applicant having to meet the exact same requirements as the sensitive lands ordinance, but he is asking for the ability to do some retaining walls. It states if retaining walls are used on fill slopes they shall not exceed 3" of exposed wall and shall not be terraced more than 3 tiers. There is a potential for up to a 9 foot retaining wall on fill slopes. Fill slopes shall be revegetated and shall be

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screened with trees and bushes. All retaining walls shall be constructed of rock consistent with existing rock on the parcel or colored concrete that blends into the hillside. We are not allowing masonry retaining walls and each structure shall be screened by trees and vegetation, and there is a minimum of eight trees per structure. They did analysis onsite and determined they could not make it work any other way. We need to evaluate if that is acceptable. All screening and vegetation foliage shall be suitable for desert environments. Privacy walls on the bigger lots state that none shall be allowed on the lot lines except where the lot line is adjacent to parcel C and other areas where privacy walls are desired shall be set back from the property line at least 10 feet. When visible from Hwy 91, shall be screened with vegetation that when mature covers at least 75% of the wall. All areas located within the privacy wall shall be determined to disturbed, regardless of whether or not the native landscape is disturbed or not. **Commissioner Dave Robinson** inquired if there are walls allowed on the 3000-4000 square foot lots? **Chuck Gillette** stated it is only the larger lots that it is not allowed on the lot line. It is allowed on the smaller lots. **Commissioner Dave Robinson** inquired why no masonry on retaining walls? **Chuck Gillette** stated that is only for parcel B the larger lots, because it is harder to match. The applicant suggested that. **Chair Brandon Weight** opened the Public Hearing. Suzy Appel stated she lives on 200 West and as she looks at this map, she sees Hwy 91 and can visualize possibly 7-800 cars that may live in this area. The homeowners access to the top portion looks like they would come through 200 West behind Movara. What is the plan for improving or expanding that road to accommodate the added traffic? Is it possible to ask for a rendering for what it would look like from Hwy 91 on the hillside with these higher density homes? Are they set down low? It is hard to envision with the topography and that would be helpful. If this is helping with attainable housing, how do we guarantee a portion of those homes actually go to first time homebuyers, police, fire, teachers that are helping or servicing our community that we would want to live within the community. Is that a deed restriction that lists a percentage if we approve something like this? **Bryan Pack** stated no one was on Zoom. Hearing no further comments, **Chair Brandon Weight** closed the public hearing.

B. **Discuss and Consider Recommendation of a Concurrent Land Use/Zone Map Amendment from LDR (Low-Density Residential) to MDR (Medium-Density Residential) and HDR (High-Density Residential); and RC (Resort Commercial) and RE-25 (Residential Estates, minimum lot size 25,000 sq ft) with PD Overlay (Planned Development) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) and R-1-3 (Residential, minimum lot size 3,000 sq ft) and RC (Resort Commercial) on approximately 63.94 acres for Mojave Village, located at approximately Guy Lane and Fitness Way, ANA Enterprises-Owner. Lance Anderson-Applicant.**

Commissioner Dave Robinson stated that the traffic will be a concern and there has been one done on the old development. They still need to look at that and will provide that in the future. Visuals from Hwy 91 we all did a trip out there and looked and about 60% of the way down on Hwy 91 you can't see this. You can see it just before the RV Resort and way past that. It is on a hill but is kind of hidden. Affordable housing we have discussed in depth, and we have discussed deed restrictions. We are definitely trying to figure out ways to be able to hold people to an affordable housing situation. A deed restriction can be placed on there but some body needs to enforce it. After that first sale we no longer can enforce it. There is really no agency doing that. The next person can be an investor after the first buyer sells it for equity. We are working on that and the State is mandating us to do that as well. The information on the development was just background. **Chuck Gillette** stated this development agreement does not have any deed restrictions going on. The smaller lots we anticipate to be more affordable. Council may go down that road of wanting to see deed restrictions on this development. It is certainly not totally off the table. **Bryan Pack** stated the fact that the development agreement exists is relevant because they are conditioned upon each other. It locks in what the developer can do. **Chuck Gillette** stated if you think deed restrictions would help, by all means, make that recommendation to the Council. Santa Clara recently hired Sharlene Wilde as a third party to manage their contracts. She receives a fee from monitoring these agreements. She laid out effective ways of enforcing these in our TRC. They can send letters to the mortgage companies to call the loan. There are tools out there for deed restrictions to work. **Commissioner Pam Gardiol** stated as a property owner, if I want to sell my home, how does the City get to tell me to whom I would sell my home? **Bryan Pack** stated that a deed restriction is a covenant on title and lists certain criteria and they have to qualify. The enforcement is the hard part. They become difficult to enforce in the future. We have a third party that could potentially do it, but there is cost in that and so then we have to wonder where do we get the money if the City is the mechanism we want to enforce this? We have not taken that role yet, but the legal mechanism is there. **Commissioner Pam Gardiol** stated inherent in any municipality there are ordinances on their books that they don't have the capacity to ensure compliance. Are we setting ourselves up for that situation here? **Bryan Pack** stated there is a cost to the City to enforce these. Chuck Gillette mentioned that Sharlene Wilde can write them letters but there is no guarantee that will work. The only enforcement mechanism we have is a lawsuit. If we want to do that, we can. That is a policy decision you would recommend. We could create a housing authority or if a developer that comes in wants to do a tax credit, they could also enforce it. They would have the same issue with follow through. If the decision is to try to do that here with the City, we need to figure out how to pay for it. **Commissioner Doug Clifford** stated in Pleasant View where he was Mayor we did a bunch of homes like this about 2016. They had deed restrictions on them, and those same problems exist there

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as well. Zoning these with a smaller lot size does self-regulate. There are companies that come in and buy them up and turn them into apartments. The State needs to step in on that. We are all facing this same issue of deed restrictions and pirating, with people coming in and buying them strictly as rentals and raising the prices. The demand will be strong for this kind of home for people looking for a starter home. If we want to find something affordable we need to enforce that first sale not to be sold to corporations. **Commissioner Dave Robinson** stated he was naive to think that title companies research, but that is not enforced. He thinks that is where the State needs to come in and make them enforce that. **Bryan Pack** stated it is usually the potential lender based off the title report. They do that, but if it is a cash sale, there is no lender. Then it becomes a real estate agent, which is not a guarantee to enforce it naturally that way. **Commissioner Dave Robinson** stated he likes the way they set the zone up. It creates a buffer away from the existing subdivision. There was a lot of concern over that. He is in favor of moving forward on this. **Commissioner Pam Gardiol** stated a citizen comment she received was that we should review the guiding principles of the General Plan. We are very familiar with those. Two that are relevant to our decision are on Page #7, principle #3 that states ensure that all aspects of governance and policy-making respects individual rights and govern responsibly to safeguard the rights and opportunities of all the residents. We are charged with the health, safety and welfare of all our citizens. The other is guiding principle #5 that states foster growth that will improve the character of the community and residents quality of life. Provide opportunities for future generations to live here. We cannot guarantee who will buy a home, but we are charged with creating opportunities. She is also in favor of the zone map amendment. **Commissioner Dave Robinson** stated would we want to put in a deed restriction? **Commissioner Pam Gardiol** stated she is in favor of that, but she is hesitant about the implementation. She doesn't know how we would carry that out. **Chair Brandon Weight** stated that he would add in the deed restriction. **Commissioner Doug Clifford** stated we need to continue to look for ways to solve this issue. It is not a reason to stop this zoning. The affordable housing portion is good. This could be a really wonderful neighborhood with a mix of development types. We desperately need smaller lots. He was impressed when we went up there.

MOTION: Commissioner Dave Robinson moved to approve recommendation of a Concurrent Land Use/Zone Map Amendment from LDR (Low-Density Residential) to MDR (Medium-Density Residential) and HDR (High-Density Residential); and RC (Resort Commercial) and RE-25 (Residential Estates, minimum lot size 25,000 sq ft) with PD Overlay (Planned Development) to RE-12.5 (Residential Estates, minimum lot size 12,500 sq ft) and R-1-3 (Residential, minimum lot size 3,000 sq ft) and RC (Resort Commercial) on approximately 63.94 acres for Mojave Village, located at

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approximately Guy Lane and Fitness Way, ANA Enterprises-Owner. Lance Anderson-Applicant, contingent upon the approval of the development agreement. Roll Call Unanimous.
SECOND: Commissioner Pam Gardiol

VOTE: The motion carried unanimously.

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

C. Public Hearing on a proposed Class V Conditional Use Permit Application for Mojave Village, located at approximately Guy Lane and Fitness Way.

Chuck Gillette stated that we have a previously approved a Conditional Use Permit for the 160 units and wrote that into this Development Agreement, so with your recommendation of the Conditional Use Permit, you would also be approving the Development Agreement document. Exhibit H Section 2 states those terms are rolled into this new Conditional Use Permit. It talks about maximum building height, the payment in lieu contributing to the future park, and they will be built as R1 units, so they have to provide sprinklers in the units and it limits the amount of bedrooms in units to no more than four bedrooms in any single unit. **Bryan Pack** stated that the old Conditional Use Permit required 25 feet height along the exterior units to give a buffer. Now it has affiliated with it's neighbors so the applicant has asked that be relaxed to 35 feet on all the units. There is a buffer of single family units that will have the 25 height limit. Lance Anderson stated that he put the restriction on it himself originally to be 25 feet. But now that it is its own environment he would like to move it back to a 35 feet height. **Chair Brandon Weight** opened the Public Hearing. **Bryan Pack** stated no one was on Zoom. Hearing no comments, **Chair Brandon Weight** closed the Public Hearing.

D. Discuss and Consider Recommendation on a proposed Class V Conditional Use Permit Application for Mojave Village, located at approximately Guy Lane and Fitness Way.

Commissioner Pam Gardiol stated in Section 2 Parcel A-Obligation, Item #14 states "dispose of all trash and refuse generated within Parcel A exclusively in centralized onsite dumpsters located within designated and screened enclosures". But if I go under Operational Rules- Quiet Hours and Noise, it states that "Quiet hours shall be enforced

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from 10 pm to 7 am." Does that mean dumpsters will not be emptied at 4 am? Quiet hours should also include dumpsters. That is important. **Chair Brandon Weight** stated he would like to know about access, emergency access and traffic circulation. Lance Anderson stated in the development agreement we have listed ingress, egress and fire. Those are looked at by the City Engineer. We are making sure we don't have dead ends. We have to meet the code so that there is always circulation in whatever phase we are doing. **Bryan Pack** stated in Paragraph 3 where it talks about the phasing, it states that each phase has to have adequate ingress and egress including fire and emergency access. Our code says they cannot defer to a later phase. They have to do adequate access in each phase. **Chuck Gillette** stated that in an earlier version of the site plan there was a full access road. The applicant wants it to be an emergency access and installing a privacy gate for that cul-de-sac. It does limit some access to these bigger lots, but we have two accesses into that project. **Commissioner Dave Robinson** inquired if Hamblin Parkway comes into this? When and if that ever gets built it could help ease traffic flow. **Chuck Gillette** stated it is much further east. When they redo the traffic study we will evaluate whether or not any improvements will need to be made. That is the purpose of a traffic study. at 200 West we would look at the impact to that intersection. Some will go to the roundabout because it is easier but we don't have that full study to know those impacts yet. **Commissioner Pam Gardiol** inquired if that should be done before a Conditional Use Permit is approved. **Chuck Gillette** stated that the Conditional Use Permit is covering the short-term rental use and we have a traffic study for that portion. We do need an updated study for the other portion and the overall project. You could certainly recommend that, but it would delay the applicant in getting that study updated. **Bryan Pack** stated nothing in your approval would eliminate that. They still have to go through that process. If those hurdles don't get jumped, this project wouldn't get built. **Rob Dalley** stated that this project will be in the WUI code as well. **Commissioner Pam Gardiol** inquired if the Conditional Use Permit should include that? **Rob Dalley** stated we can add it into the Development Agreement. **Bryan Pack** stated it doesn't hurt to do that so the developer is aware. **Chuck Gillette** stated putting it in the agreement or not doesn't change the requirement that they have to follow it. **Commissioner Brandon Weight** inquired if they would be forced to improve roads with that traffic study? **Chuck Gillette** stated the analysis would look at the impact within half a mile and the level of service. If it increased, there is potential they may have to make some sort of intersection improvements. In Ivins we have never had a subdivision that required those type of improvements to be put in. Even with Black Desert we already had the roundabout. It would likely not take the service level down. It is operating at a service level A right now, so probably not.

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MOTION: Commissioner Pam Gardiol moved to approve Recommendation on a proposed Class V Conditional Use Permit Application for Mojave Village, located at approximately Guy Lane and Fitness Way. Roll Call Unanimous.
SECOND: Commissioner Dave Robinson

VOTE: The motion carried unanimously.

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

4) DISCUSSION AND POTENTIAL ACTION ITEMS

A. Discuss Development Agreement for Mojave Village.

Bryan Pack stated it would be appropriate to pass on a recommendation to the Council. This is a big enough project we wanted the Planning Commission to review it. **Chuck Gillette** stated that there is a sensitive lands issue. We are looking at the slopes that are in excess of 12%. If it is Medium-Density Residential and there are slopes greater than 12% then there are some sensitive lands ordinances that would kick in. The applicant is asking that the restrictions in this development agreement supersede sensitive lands. The restrictions are any area greater than 12% slope they are not allowed to be disturbed more than 30%. We won't know how much of the lot is more than 12% until they have a sensitive lands analysis and the applicant's argument is that this project is likely to have less impact than what the settlement agreement had. He is asking to waive the sensitive lands requirement. You would need to weigh in on why that is appropriate or not. **Commissioner Pam Gardiol** inquired why would we waive that? **Chuck Gillette** stated you don't have to. The applicant is requesting it. **Commissioner Pam Gardiol** stated that the sensitive lands are there for a reason and she would not be in favor of that. **Commissioner Doug Clifford** stated he would not either. **Commissioner Brandon Weight** stated he agrees. **Commissioner Dave Robinson** stated that what has been proposed comes up with more untouched property than what the other project had. **Chuck Gillette** stated it protects the land more than the settlement agreement. **Commissioner Doug Clifford** stated that may be the case, but they still would go through that process to determine that. **Commissioner Pam Gardiol** stated she is concerned about a precedence being set. **Chuck Gillette** stated that is why we put in the cuts, fills and retaining wall restrictions. That is pre-empting the sensitive lands in that regard too. **Bryan Pack** stated that for clarity this agreement is conditioned upon the developer acquiring all of the land. At this point it is still owned by

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multiple parties. That is one condition. This agreement by its term is also conditioned by the zone change. This would be the lynch pin of that development. If you opt not to approve the development agreement, the other agreements may fall apart at this point. Lance Anderson stated in the past he has tried applying the sensitive lands ordinance three times and it has failed him every time. You just can't get it to work and from the beginning he has said he would not be able to meet the sensitive lands as it is written because of timing. He is trying to get the small lots built. He is trying to be sensitive to the sensitive lands and we have literally taken the settlement agreement and we are matching those lots. We are matching the settlement agreement over the sensitive lands. Over in the smaller lots area, those are cuts and fills through there. It is 4-6% going up and 6-8% going over on the south end. If you take the washes out that is where we found a lot of 12% slopes. We are only building one house on the ten acre parcel with an arena and a barn. The rest will be open space per se. That is where a lot of those slopes are. He tried to keep with the 35% and he tried to keep with the settlement agreement. This is about timing to build those smaller lots. **Commissioner Pam Gardiol** stated that timing is critical for the smaller units, but the larger lot is where the sensitive lands are. Lance Anderson stated if he doesn't have an agreement on the whole thing, that big lot is contingent on the financing of this development. They need to know what they are getting in order to purchase it. We are leaving sixteen acres undisturbed. The big lots are why he is able to do the small lots. **Commissioner Pam Gardiol** inquired given this situation related to this petition it sounds as though that would allow us to not jump hoops? Her concern is could there be a precedent being set in saying that we allowed it here? What is our finding of fact for a variation? **Bryan Pack** stated we need to distinguish the meaningful differences between the projects to set a precedent. Once thing that has been mentioned is that sensitive lands does not actually apply to this project as it sits right now because of the settlement agreement that was entered in 2005. That agreement removed this land from sensitive lands. To the extend that the settlement agreement is being changed, that opens the door. We could say that sensitive lands now has to apply. If this plan doesn't happen, it reverts back to that plan that also doesn't have sensitive lands and this has been represented as being a better plan. We don't lose anything because this is better than that plan. That is up to you to decide if it is a reason to move forward on it. Finding of fact is always preferable in our decisions. Maybe being subject to a settlement agreement could be the defendable finding of fact in this case. It would not apply to anywhere else in the City other than the original settlement agreement.

MOTION: Commissioner Doug Clifford moved to recommend approval of the Development Agreement for Mojave Village subject to the finding of fact that the existing settlement agreement is better than the sensitive lands option. Roll Call

Unanimous.
SECOND: Commissioner Pam Gardiol

VOTE: The motion carried unanimously.

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

B. Discuss New Use Process Ordinance.

Rob Dalley stated that these next few ordinances are all to conform with State Code. He needs a recommendation to move them forward to Public Hearing. This is due process. He is confident these ordinances will meet the senate bill. **Commissioner Pam Gardiol** inquired about Item 3a that states "If an applicant requests a legislative action from the City Council, an applicant may but is not required to have the Planning Commission consider the request." What is an example when that would be in play? **Bryan Pack** stated that Senate Bill 284 says that on a legislative action to define a new use, we are not able to require them to come to Planning Commission. The State legislature has deviated from that so an example is Uhaul. In that instance, that application would not have come to you unless they wanted to go to Planning Commission. It is a new use. He recommends we leave it. Other areas of the code stated that any land use regulation has to go to the Planning Commission so we need to reflect this exception in the code. It makes sense to keep it there. We give them the option. **Commissioner Pam Gardiol** stated that line 37 states that "the Zoning Administrator should consult with the City Attorney as necessary." Shouldn't that say "shall"? **Bryan Pack** stated the Zoning Administrator is our expert on the land use code. We put that in there. That change is advisable because of appeals. If the City Attorney is giving the interpretation, he can't be representing the appeal. He needs to be in a supporting role. **Rob Dalley** stated this will be put on Planning Commission for a Public Hearing next meeting.

C. Discuss Planning Commission Regulations Ordinance.

Commissioner Pam Gardiol inquired if the red is what the State has asked for? **Bryan Pack** stated on the portion that talks about absences, that doesn't apply if you report prior to the absence and tell the City Manager. This is to protect against the Commissioner that just stops doing their job and doesn't show up. **Chuck Gillette** stated that the law requires the Planning Commission goes through the one hour training program and that is an annual

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requirement we need to strictly enforce. **Rob Dalley** stated this will go on for Public Hearing next meeting.

D. Discuss Model Home Ordinance.

Commissioner Pam Gardiol inquired to explain a model home? The definition states "A residential structure that meets all residential occupancy requirements used for sale purposes only and temporarily operates as an active sales and marketing center." **Rob Dalley** stated we have two subdivisions that built a model home and the garage was turned into the model. **Commissioner Pam Gardiol** stated we are just defining what we already know it is. **Rob Dalley** stated we will put this on the Planning Commission for a Public Hearing next meeting.

E. Discuss Updating References to LUDMA Ordinance.

Chuck Gillette stated that we are swapping old references changes for the new reference. **Rob Dalley** stated we will put this on the Planning Commission for next meeting.

F. Discuss Ivins City Land Use Map.

Rob Dalley stated there is an email from Mike Scott that gives you the update. This is just an FYI.

G. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for September 1, 2026.

Rob Dalley stated that in those minutes, the code book does reference tiny house. **Chuck Gillette** stated it is a rabbit hole because the word "mobile home" is really based on a date of manufacture. Any manufactured after that date is no longer called a mobile home.

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for September 1, 2026. Unanimous.
SECOND: Commissioner Doug Clifford

VOTE: The motion carried unanimously.

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

5) REPORTS

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A. Planning Commission Members

Commissioner Pam Gardiol stated she found a picture from when she was a kid. Her wondered if people can tell where they all live? Since she remembers this view, the question is are we protecting that feeling? We are all a reason this is gone. How are we protecting and walking softly on this land. She also has a photo from St George that only has the temple.

B. Chair

C. Building and Zoning Administrator, Rob Dalley

D. City Attorney, Bryan Pack

E. Items to be placed on future agendas.

Rob Dalley stated that accessory dwelling units is coming back next meeting and we changed the language so that it doesn't say tiny home. In the appendices it is called tiny house. **Chuck Gillette** stated that we are working on sign ordinance and we did a staff huddle to figure out what we needed to change. There are some concerns with freedom of speech but none of us want signed being put up anywhere. So rather than change the ordinance, we are going to enforce with the mind that we will be careful not to violate free speech but leave the ordinance as it is written. There may be some cases we ask to take the sign down and they say it is their freedom of speech. We do need to change one thing is that if we want to put a mural on the fire station we need to carve out that exception. **Commissioner Pam Gardiol** stated that State law says that HOA's cannot stop free speech. An attorney and president of her HOA in Kayenta sat beside her the other day and that there were constraints of time, content and relevance. What are the parameters of anyone's ability to restrict free speech other than safety? **Bryan Pack** stated HOA's are actually more restrictive. The government cannot. There may be some specific State laws that would but we don't cover HOA so he would never have researched that. The constitutional requirement on free speech impacts governments not private parties. He may not know HOA laws he would never know about because he doesn't represent an HOA. City government can't discriminate based on content. What we can regulate are sizes and location in certain zones, as long as we treat every sign of every content the same. We won't be bringing that ordinance forward at this point. We are okay with the way our ordinance reads now. **Chuck Gillette** stated other than mural for the fire station, we won't be recommending any changes. **Commissioner Dave Robinson** inquired about political signs? Is there a window to put those up and take those down? Are those free speech as well? **Chuck Gillette** stated political signs have to be in the right-of-way and there is a

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window of when they can begin and stop. If they are out of the right-of-way into peoples' property, then we start dealing with freedom of speech issues.

6) ADJOURNMENT

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

VOTE: The motion carried unanimously.

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

DRAFT