

## LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, March 27, 2024, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

**Present:** Chair Allen Bice; Commissioners: Matt Juluson, Kyson Spendlove, Richard Howard, and John Valenti; Staff: Derek Imlay, Fay Reber, and Christy Ballard; Public: Patricia Wise.

*Commissioners Sherman Howard and Hugh Howard were excused.*

**A. Call to Order:** Chair Allen Bice called the meeting to order at 6:02 pm. The invocation and Pledge of Allegiance were given by Matt Juluson.

### **B. Approval of Agenda:**

**The motion was made by Commissioner John Valenti to approve the agenda, seconded by Commissioner Kyson Spendlove. Valenti-yes, Juluson-yes, Spendlove-yes, Bice-yes, Richard Howard-yes. The motion carried unanimously.**

### **C. Approval of Minutes:** March 13, 2024, regular meeting

**The motion was made by Commissioner Matt Juluson to approve the March 13, 2024, regular meeting, seconded by Commissioner Richard Howard. Juluson-yes, Bice-yes, Valenti-yes, Spendlove-yes, Richard Howard-yes. The motion carried unanimously.**

### **D. Reports:**

**City Council**-Councilwoman Wise reported on the City Council regular meeting on March 20, 2024.

**Director of Operations**-Derek reported that there would be a work meeting next Wednesday, April 3rd, with the Councilmembers to discuss mixed-use.

He reported on the groundbreaking ceremony for the Zion Hot Springs Resort.

A joint utility meeting is scheduled next week for the storage unit facility.

The irrigation system has had multiple breaks. Most residents have irrigation water, but not all.

### **E. Business:**

1. Discussion and possible action to set a public hearing for Wednesday, April 24, 2024, for an ordinance amending the provisions of Section 10-2-9 of the La Verkin City Code relating to the procedures and standards for approving amendments to the general plan and amendments to the zoning map and text of the zoning ordinance.

Fay explained that this proposed ordinance was passed out during the last planning commission meeting so that the commissioners could begin reviewing it. The ordinance's purpose is to fill a hole regarding the procedures the city follows in considering applications to amend the general plan and applications for zone changes by incorporating elements of the Utah Land Use Management Act and recent Utah Supreme Court decisions that the planning commission members, city council members, and staff can use as a road map when those applications are submitted.

Once the application is complete and comes to the planning commission, this ordinance lists specific standards that help shape the conversations with the applicant and dialog during public hearings. Then, if the decision is challenged, it would not be successful because the city would have met the standards of the decision being reasonably debatable.

Anytime an action like this is appealed to the district court, it is always appealed on the record (minutes) of the planning commission and city council meetings. If the conversations are based on the factors listed in the ordinance, whatever decision the city comes to will almost certainly comply with the reasonably debatable standard.

Commissioner Bice likes the standards list and requested it be included in the meeting packet with the general plan or zone change information. He also felt many things would exclude themselves if the list were part of the developer's application packet.

Fay mentioned it would be a good idea for the Commissioners to discuss the matter amongst themselves in instances when no one attends the meeting and include in the motion that it is recommended based on meeting all the criteria listed in the ordinance or denied based on not meeting any of the criteria. That way, if anyone comes back later to contest the decision, it is on the record.

Commissioner Spendlove stated that this is the same format that Hurricane City uses. Each planning commissioner answers these questions on the record, whether they recommend approval or not. It is often nice to hear the reasoning behind a decision. He hopes this passes; it will help a lot.

Commissioner Bice mentioned that the ordinance references conditional use permits, and La Verkin is an approved use permit city.

Fay will remove that reference from the ordinance.

Commissioner Spendlove suggested requiring the applicant to get a will-serve letter from the Ash Creek Sewer District as part of the application process to verify the adequacy of facilities.

Fay will include that in the ordinance.

Commissioner Bice asked who the appeal board was for administrative decisions.

Fay explained that the board of adjustment would be the appeal board. He will verify that those ordinances are in accordance with the proposed changes to this ordinance.

Derek replied that we also have a board of appeals to hear building appeals. It is a local board, but the members must have building experience.

Commissioner Bice asked if the Commissioners do not recommend approval, does the city council hold a public hearing for the item? And does an appeal require a public hearing at both the planning commission and city council level?

Fay replied that the city council would hear the planning commission's recommendation and make its determination by holding a public hearing or discussing the item in a public meeting.

The planning commission is a recommending body, not a rule-making body, so nothing it does is appealable.

The city council can hold a public hearing if they determine it is necessary. State law only requires some items to have an actual public hearing, but the public is always welcome to attend any meetings. He understands that many communities, La Verkin included, only allow comments on items not on the agenda, but he feels the better practice is to allow citizens to voice their opinion on items the council is discussing. It can help citizens feel heard and receive answers to why the city is making the decision, which in turn can alleviate legal action.

Commissioner Bice pointed out that often, the Planning Commission has discussed the item and made a decision before the public hearing. Then, it goes right into a business item after the public hearing. He suggested moving the business item to the following meeting.

Commissioner Spendlove suggested that the commissioners take turns commenting or addressing concerns about each business item.

Commissioner Valenti mentioned he likes the format stated in the proposed ordinance. It puts a higher burden on the applicant and makes them think about the issues.

Commissioner Spendlove suggested including staff comments in the packet. He felt it would be beneficial for all items, but it could start with zoning and general plan amendments.

Derek knows the code and is dealing with the developer. That input could help the Commissioners determine what questions to ask to better understand the request and how the project fits with the city code.

Derek agreed and will work on submitting a synopsis with the packet.

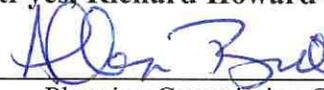
**The motion was made by Commissioner Kyson Spendlove to set a public hearing for Wednesday, April 24, 2024, for an ordinance amending the provisions of Section 10-2-9 of the La Verkin City Code relating to the procedures and standards for approving amendments to the general plan and amendments to the zoning map and text of the zoning ordinance, seconded by Commissioner John Valenti. Valenti-yes, Richard Howard-yes, Bice-yes, Juluson-yes, Spendlove-yes. The motion carried unanimously.**

**F. Adjourn:**

**The motion was made by Commissioner Kyson Spendlove to adjourn, seconded by Commissioner Matt Juluson. Bice-yes, Juluson-yes, Spendlove-yes, Valenti-yes, Richard Howard-yes. The motion was carried unanimously at 6:44 p.m.**

24 April 24

Date Approved



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Planning Commission Chair

