

LA VERKIN CITY PLANNING COMMISSION

Regular Meeting

Wednesday, February 12, 2025, 6:00 pm.

City Council Chambers, 111 South Main Street

La Verkin, Utah 84745

Present: Chair Allen Bice; Commissioners: Hugh Howard, Kyson Spendlove, Sherman Howard, Matt Juluson, and John Valenti; Staff: Derek Imlay, Fay Reber, and Nancy Cline; Public: Patricia Wise.

A. Call to Order: Chair Allen Bice called the meeting to order at 6:00 pm.

The invocation and Pledge of Allegiance were given by Matt Juluson.

B. Appointments:

Commission Bice reported that Sherman Howard was reappointed for a 5-year term, Richard Howard was reappointed for a 1-year alternate term, and John Valenti was reappointed for a 1-year alternate term. Richard Howard was absent and will be sworn in the next meeting.

C. Election of Chair and Chair Pro-Tempore:

The motion was made by Commissioner Hugh Howard to elect Allen Bice as chair, second by Commissioner Sherman Howard. Hugh Howard-yes, Sherman Howard- yes, Bice-yes, Spendlove-yes, and Juluson-yes. The motion carried unanimously.

The motion was made by Commissioner Allen Bice to elect Kyson Spendlove as chair pro-tempore, second by Commissioner Sherman Howard. Juluson-yes, Spendlove-yes, Bice-yes, Hugh Howard-yes, Sherman Howard-yes. The motion carried unanimously.

D. Approval of Agenda:

The motion was made by Commissioner Hugh Howard to approve the agenda, second by Commissioner Matt Juluson. Sherman Howard-yes, Hugh Howard-yes, Spendlove-yes, Juluson-yes, Bice-yes. The motion carried unanimously.

E. Approval of Minutes: January 8, 2025, regular meeting

The motion was made by Commissioner Sherman Howard to approve January 8, 2025, regular meeting, second by Commissioner Kyson Spendlove. Hugh Howard-yes, Bice-yes, Sherman Howard-yes, Spendlove-yes, Juluson-yes. The motion carried unanimously.

F. Reports:

City Council-Councilwoman Wise reported on the City Council regular meeting on February 5, 2025.

Director of Operations Derek reported that the Washington County Water Conservancy District sent out a Yuppify message to the citizens encouraging them to conserve culinary and irrigation water. The irrigation water will be back on March 14th.

G. Business:

1. Discussion and Direction regarding La Verkin city grading permit application.

Derek reviewed the changes made in the grading permit. No person has stopped commencing, performing, creating excavation, filling, or clearing of land. At the top, under the definition of clearing of land, the definition is the process of reshaping the ground to the desired elevation, slope, or contour. It does not prepare the land for construction projects under exemption; we just want to clarify the general law of cleaning, which includes removing leaves, junk, trash, debris, or other unwanted matters without leveling and grading and removing or

adding dirt to the lawn. First, we're trying to prepare this for the Topside, so they can't come in and do whatever they want. The second problem is when people add dirt or try to level off. Things like that create an unintended consequence, which usually causes water to run off and flood. The drainage and erosion control plans are an expense that would be unnecessary for smaller projects, mainly from being brought across in one-acre parcels. Air Quality is included. The city has multiple complaints weekly about dust. We have monitored it, and it's not a problem right now.

Commissioner Bice wanted to know who the permitting authority would be.

Derek replied that it would be him or Kyle Lovelady. He also changed the reclamation bond to 10% because the state mandated that amount.

Commissioner Bice agreed with the changes made. He encouraged the commissioners to review it thoroughly and prepare questions for the next meeting.

Fay commented the next step would be to set a public hearing and refer it to the City Council.

Derek added that after tonight's meeting, he would make any changes and return them with a clean copy before they recommend it to the city council.

2. Discussion and Direction regarding the revised La Verkin City Title 10 Medium-Density Residential Zone (MDR-8).

Derek explained that he removed accessory buildings that were allowed in medium-density buildings. He felt they would be too crowded.

Commissioner Bice thought that state legislation was denying the city the right to allow accessory units.

Derek explained that the clustering of the courtyard was defined. He sent out pictures of examples of what that would look like. He took out any home business at this medium density because there is not enough room for the traffic of a company. The height of the building can be no taller than 25 feet for single-story and detached units and 40 feet for two-story units. He referred to the chart on the property setbacks: 25 feet for the front and 15 feet for the side yards. There are 43,560 square feet in one acre divided by eight, which would put this at 5,445 square feet per attached unit, but that doesn't consider the curb and gutter in the street that will be necessary. It talks about development agreements, and he advised that we update our development agreement because it only includes R-1-14 and R-3-6.

Commissioner Bice commented on this, giving us the R-1-6 we discussed for single-family dwellings. It won't feel tight with duplexes, and 14 single-family dwellings on an acre will be small.

Derek replied that this one is R-1-6 if they use a detached loft with eight units. When they took out the road, the curb, and the sidewalk, he thought they were 4,500-square-foot lots.

Commissioner Spendlove had concerns about the description for corner lots. He advised having it spelled out as requirements for corner lots so there is no confusion, and developers can not push anything through the city that shouldn't be allowed.

3. Discussion and Direction regarding the revised La Verkin City Title 10 High-Density Residential Zone (HD-R-1-14).

Derek explained this was 14 units per acre. Apartments, Condos, and town homes. Churches, playgrounds, schools, and parks. He asked the commissioners if they wanted these allowed in High Density. He wanted to mirror the other communities around La Verkin so the builders know what to expect with codes and inspections. This could make it easier for everyone involved. Historically, church steeples were included in a maximum

height of 45 feet. He changed that to allow churches to have steeples over 45 feet if they thought that was a good idea. He explained that by allowing 14 units per acre, the developer would come in with a layout of how to fit the 14 units on the acre.

Commissioner Bice wanted to know if the city didn't like the developer's layout and if there could be a legal problem denying it. He suggested that the developers needed more clarification. If they included something not backed up by an ordinance, would the city have to let them do it?

Derek clarified that we could go in there and be more specific, but I think the percentage will be set by the time you consider you can have 14 units per acre and comply with the open space requirements.

So, we could go in there and figure out the units per acre and consider the open space requirements. It's about 200 square feet for every 1,000 square feet. He felt that it didn't give much wiggle room for different designs. We can be more specific about the percentage of open and buildable space, maybe 80/30 open space.

Commissioner Bice commented that it would be better to spell it out exactly so there are no misunderstandings with developers. He advised that with the slopes around town, they might need some room to move things around.

4. Discussion and Direction regarding the revised La Verkin City Title 10 Mixed-Use Zone.

Derek explained that mixed-use is live-work buildings. We will be having a presentation on this in the future. He gave examples of mixed-use in Hurricane City, which helps business owners save money by having only one mortgage to pay.

Commissioner Bice read the definition of mixed-use. The primary focus must remain on commercial use. Allowing residential use should be considered an added benefit of a thriving commercial operation. We should establish a connection between its active business license and continuing residential allowances. The city cannot afford to diminish its limited commercial zones by converting them to residential use. This is vital for our economic sustainability. The use is limited to commercial areas to turn into a residential use. The mixed-use zone intends to provide for a mixed commercial use, lower floor facing public right of way with multi-family residential uses, apartments, townhouses, condominiums above, and possibly surrounding the commercial lower-level area as planned unit development. Mixed-use development is intended to be high-quality, pedestrian-friendly urban development and complementary to the surrounding area. Commercial uses must be part of the overall design of any development.

Commissioner Hugh Howard asked if there is a mixed-use zone across from the Elementary school.

Derek responded no, we have no mixed-use zones yet. They are having business on the top story or storage. He agreed that this property would be perfect for mixed-use. The communities around us are all allowing mixed-use, and we need to also plan for it. We will include rules that they have to have a business license, so these do not turn out to be residential.

Commissioner Bice likes the idea but thinks policing it would be difficult. If they allow the owners to live there and the business succeeds, the owners will want to move into a nicer home. How do we stop them, or do we allow them to rent it out?

Derek responded when they first considered whether there was an owner, manager, or workforce living there. He suggested that they could allow it to be rented long term by whomever. He agreed that it would be hard to control if they specified owners only. He addressed the permitted uses and said the application process would revolve around the architectural drawings. It includes landscaping and lighting codes.

Commissioner Kyson Spendlove noticed with other buildings there is not enough parking and suggested with mixed-use there should be a requirement for additional parking. Not an overabundance but having residential and commercial together will bring more traffic.

Derek agreed and commented that he has been working on several illustrations of the types of parking, widening and making them a little bit more accessible, along with some type of overflow parking.

Commissioner Bice suggested coordinating with solid waste to see if they would require a dumpster for the commercial and an additional residential garbage can since this is zoned for both.

5. Discussion and Direction regarding the Planned Unit Development (PUD) Ordinance.

Derek explained that the way it is currently written needs to be completely changed. It allows smaller roads with no sidewalks to save money, but that causes a lot of problems. He asked for suggestions concerning home occupations and the allowed use of recreational vehicles.

Commissioner Bice suggested tabling this section so they could study it more.

6. Discussion and Direction regarding allowance for Additional Detached Unit (ADU) vacation rentals and charging the commercial rate for utilities.

Derek explained that they allow ADU on half acres or larger. Starting at R-1-10. The code reads that a smaller independent living space on the same lot as the primary ADUs can be attached to the primary residence and converted from a portion of the primary residence. Internal accessory building units and ADUs or buildings as separate structures detached, in the ADUs. They want it to change to the detached accessory domain, a living space established outside of the primary, like a mother-in-law's apartment. This unit is considered incidental security, primary residence, and intended for residential purposes. It states that family members and non-paying guests were rented out for short-term or long-term stays. Meaning short-term vacations would be permitted. An elected official asked that he take this change to the planning commission even though they worked hard to keep ADUs from being short-term rentals.

Commissioner Bice commented that we would be completely defeated by this. We would crowd parking and change neighborhoods. I still feel the same way I felt about it. We have debated it at length. I think adding that would be detrimental to our neighborhood's quality.

Derek added that he was trying to remain neutral. The homeowner must live in the house, either in the home or in the ADU, and must be on-site. Parking requirements have already been addressed because of the ADU and the requirements. The height is limited to the height of the existing house. It can only be a third of the size of the house's footprint. The colors and the building material must be consistent with the house there now to try to make it all blend.

Commissioner Sherman Howard commented on the difference in the STR, which was, in this case, an ADU. The homeowner has to live in the house and rent out only the ADU, whereas the other STR owners don't live in town or even in the state. This could give homeowners another way to make extra income.

Derek agreed it would add to their income. It's going to be hard for us to differentiate between allowing the long-term rental and the short-term rental. These were the topics brought to me, and that's the only reason I'm bringing them to you.

Commissioner Bice asked if he had an ADU and then decided to move out of the city, rent his house long term, and short term rent the ADU. What would stop him from doing that?

Derek replied that they couldn't move and turn one into a long-term rental, one into a vacation rental, or both into vacation rentals. You must live there. The owner of a record has to live there.

Commissioner Juluson asked what happens if the property is in a trust or owned by a business.

Commissioner Valenti argued that the city worked hard to prevent this and keep housing affordable. He felt these businesses could buy up homes for over a million dollars and inflate the housing market because they have an STR license, defeating everything they did for affordable housing.

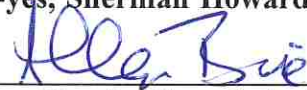
Commissioner Bice added that the vacation rental in his neighborhood is up for sale again for \$1.3 million.

Patricia Wise informed them that legislation is currently being introduced to stop cities from requiring owner-occupation of homes. An investor or business could buy them up and overinflate our housing market. She encouraged them to notify their representatives, Joe Ellison and Kevin Vickers, to fight against this.

Derek suggested they table this subject until after legislation votes on it. The decision may be taken out of their hands.

H. Adjourn:

The motion was made by Commissioner Allen Bice to adjourn, second by Commissioner Hugh Howard. Hugh Howard-yes, Bice-yes, Spendlove-yes, Juluson-yes, Sherman Howard-yes. The motion was carried unanimously at 7:15 pm.



Planning Commission Chair

12 Mar 25

Date Approved

