

IVINS CITY
PLANNING COMMISSION
MINUTES
August 18, 2020
435-628-0606

1) WELCOME AND CALL TO ORDER

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chairman Bryan Pack, Commissioner Lance Anderson, Commissioner Bob Morris, Commissioner Jeff Loris, and Commissioner Doug Clifford.

Staff Attending: Mike Rodriguez-Building and Zoning Administrator, Lane Mecham-Director of Finance, Chuck Gillette-City Engineer Tom Jorgensen-Assistant Public Works Director Sharon Allen-Deputy City Recorder.

Audience Attending: Michael and Sharon Barton, Lynnette Miller, David Case, Patrick Manning.

[This meeting was held electronically via Zoom, with some staff located at City Hall as the anchor location.]

A. Acknowledgement of Quorum

B. Invocation

C. Disclosures-None

2) **REPORTS AND PRESENTATIONS -**

A. Concept Plan Report for Palisades at Snow Canyon Phase 8, located at approximately Desert Lane and Center Street. Palisades at Snow Canyon, LLC-Owner. Flint Decker-Applicant.

Mike Rodriguez stated this is for the old Ivins City property and the applicants have rezoned it. They have a little over 15 acres and the applicant wants to subdivide into 32 lots. It shows a gated entry off of Center Street that will connect to the north which is Phase 7 and there is a question as to whether or not it will connect to another gate on the north end or have a secondary access elsewhere, which is required. There are two cul-de-sacs on the east end and a loop road on the west end. This subdivision complies with City Ordinances. **Commissioner Doug Clifford** stated the gating of the community would require something along the east boundary to separate the public trail that goes up into the tortoise reserve. **Mike Rodriguez** stated that will be worked out when they move forward on the next stage of development.

3) **BUSINESS LICENSES -None**

4) **PUBLIC HEARING AND ACTION ITEMS—**

A. Public Hearing on a proposed Class IV Conditional Use Permit for Sentierre Development and Construction Offices, located at approximately 800 North Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

Mike Rodriguez stated that this application is located along Tuacahn Drive and these construction offices site is located on an overall 42 acre project site and we have had a temporary use permit on this site. The applicant is requesting to allow the continued use of those three temporary office trailers, which were previously permitted under a Class IV Conditional Use Permit. It was originally intended to be used for development and construction management of the resort, however no construction has taken place since the second residence was completed in May 2018. No new building permits have been applied for. David Case stated they have

submitted this application to be able to continue to use those trailers for development purposes and met with TRC. They have been heavily engaged in the last six months with updates to the master plan that we shared in concept form with TRC and are excited about some of the changes proposed. It is in line with the Development Agreement that was approved and made improvements to help it fit better in the canyon and on the site and responded to changing market conditions. They are making progress on funding and are committed to complete the design for the hotel and bring that in for permitting. They have a number of individuals that office out of those trailers and we would like to be able to continue to use those and move the project forward. **Commissioner Doug Clifford** inquired about a time limit? **Mike Rodriguez** stated that is up to the Planning Commission. We had granted a two-year permit on the last one, and a lot of it is tied to the construction of hotel central. They have applied for a permit for a bungalow, however they don't have a recorded final plat to be able to place those bungalows. Any permits that will be issued for anything other than hotel central cannot have a Certificate of Occupancy until we have a permit and construction of hotel central. **Chairman Bryan Pack** inquired about the timeline of when those plans would be submitted? David Case stated that is in process. He doesn't have an answer as to a specific date, but it will take until the beginning of next year to go through design development with the architect. **Chairman Bryan Pack** inquired so maybe six months? We don't want this to become a permanent office space with nothing going on out there. David Case stated we are working with our civil engineer on finalizing the grading and utility on the south loop and our intent would be to apply in the next couple of months to submit for permitting for that work and finalize those plats on the south loop for building. Then after grading and drainage information for the hotel site, submit for that as well to begin that work. **Chairman Bryan Pack** inquired if it looks like six months before we will see movement on that property? David Case stated yes within 6 months we will be under construction. **Chairman Bryan Pack** opened the Public Hearing. Hearing no comments, **Chairman Bryan Pack** closed the Public Hearing.

B. Discuss and consider approval of the Class IV Conditional Use Permit for Sentierre Development and Construction Offices, located at approximately 800 North Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

Chairman Bryan Pack stated it makes sense to extend this so that the construction can take place. These trailers need to be there to help facilitate that. It is not surprising that things have slowed down with what has gone on in the world around us. Let's put a six month time frame on this. Construction must start in that six month period before they come back in front of us. **Commissioner Lance Anderson** stated he would suggest extending it nine months to a year. Six months passes pretty quick. **Commissioner Doug Clifford** stated he agrees. Six months is a little tight. One point in favor of this group that is commendable is they have done a good job at keeping the site clean and free from weeds and done a lot of site maintenance. **Mike Rodriguez** stated a one year temporary use permit would be appropriate. **Commissioner Bob Morris** stated that maybe they can update us in six months and if construction is happening they can have it extended two years. **Chairman Bryan Pack** stated we could do that condition the expiration on our Conditional Use Permit that way, based on activity happening out there. **Commissioner Bob Morris** stated define it as permits and breaking ground. We don't want them to keep coming back but if in six months nothing happens, we need to check in with them. **Mike Rodriguez** stated you can place conditions as appropriate but they have to do hotel central before Certificate of Occupancy can be issued on any other permits. They are anxious to build their bungalow, but getting the plat recorded is what has prevented that from

happening. **Commissioner Jeff Loris** stated that the grading plan has been done on the secondary casitas and the area that has to be built for hotel central needs to be graded and may not be vertical for several months after doing all their underground elements. **Mike Rodriguez** stated they need a building permit for hotel central. That is the key element to grant occupancy of their other buildings. **Commissioner Bob Morris** inquired what about the buildings that are there now? David Case stated they are occupied yes. Those are both privately owned homes that are actively being rented. **Mike Rodriguez** stated they were constructed before the development agreement was amended. **Chairman Bryan Pack** stated his preference is to put a year deadline on it. **Commissioner Lance Anderson** stated that he agrees.

MOTION: Commissioner Doug Clifford moved to approve the Class IV Conditional Use Permit for Sentierre Development and Construction Offices for one year through August 2021, located at approximately 800 North Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

C. Public Hearing on a proposed Concurrent Land Use and Zoning Amendment from no current zone designation to RC (Resort Commercial), located at approximately 1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Mike Rodriguez stated that it is a six acre parcel that has been in the City of Santa Clara and they do not have services to be able to service that area. Black Desert is wanting to have that as part of their resort. Since it had not been in Ivins City there was no zone or land use designation. A boundary adjustment made it part of Ivins City so we need to give it a land use and zoning designation to match what exists out at Black Desert Resort. It is consistent with that Class V Conditional Use Permit that was approved. **Chairman Bryan Pack** stated so it will be in the boundary of Ivins and exchange hands from Santa Clara? **Mike Rodriguez** stated that has already been done. This will become part of Black Desert Resort. **Chairman Bryan Pack** stated that the map does not show well the location of this parcel is compared to Snow Canyon Parkway. Mike Rodriguez stated if you are familiar with the Entrada resort site there are two roads that go in on the west end and some homes that abuts that part of Santa Clara City and the south end of Ivins and the north end of Santa Clara as part of the resort development. **Chairman Bryan Pack** opened the Public Hearing. Hearing no comments, **Chairman Bryan Pack** closed the Public Hearing.

D. Discuss and consider recommendation of a proposed Concurrent Land Use and Zoning Amendment from no current zone designation to RC (Resort Commercial), located at approximately 1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Chairman Bryan Pack stated this is pretty straight forward and it will be in the boundary of Ivins so it matches and seems to make sense.

MOTION: Commissioner Doug Clifford moved to approve recommendation of a proposed Concurrent Land Use and Zoning Amendment from no current zone designation to RC

(Resort Commercial), located at approximately 1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

E. Public Hearing on a proposed General Plan Amendment to the Transportation Master Plan, located at approximately 1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.

Chuck Gillette stated he took Patrick Manning's application and overlaid it on our Transportation Master Plan alignment. He is not sure it was intentional, but right now it shows the Western Corridor slides south a bit. It reduces the burden to the North that way, rather than on the center line. Then the most sensitive part of this application is to push the alignment north, because there are some homes there that are already nervous about the Western Corridor potentially being a five-lane section within the next 30 years. The highway through this segment will be 10 ft up to 20 ft below the elevation of these homes, so that is huge in reducing noise on this large arterial street. The alignment works in his opinion. It has the right radiuses and will move traffic. There will be a roundabout and Santa Clara is building Red Mountain Drive to curve into the roundabout. The only thing we need to be concerned or careful about is the alignment being pushed towards residents. We had a residential street that came through as a twisted path because it was important to have a connection even if it was not super useful or quick, and they are proposing that it actually be a private street which eliminates that purpose of allowing through traffic the use of that road if needed. They don't want this other connection to exist anymore and Santa Clara is not planning on doing a road to it, so engineering doesn't have any problem with the removal of that road. He shared traffic information and part of the traffic impact study. **Chairman Bryan Pack** inquired what the reason is that the study shows traffic has gone down if we are eliminating options? **Chuck Gillette** stated that Pioneer Parkway is getting a bigger impact and the Western Corridor will have a big impact. The impacts are not as huge as we were concerned about if we eliminated that road based on this study. This is in the year 2050. He understands why Patrick Manning wants to push the road north, because putting the arterial through there creates a pocket of property that makes it unusable. The current alignment doesn't work with their golf course plans, but it is up to us if we want to allow that shift. Patrick Manning stated that the road marked in green we are eliminating just to clean things up because it doesn't go anywhere. There is no road to connect to. The purple road we are preserving about 240 acres of the lava preserve and that is a lot of land to not develop. We are trying to eliminate it as a public road so that they have the golf and lava reserve experience. The burden we put on the streets will be accessed from every owner and guest of Black Desert and neighboring SITLA property. Just thinking logically into the future, if you look at the Reserve across the street, that is the only project where that road would make it a faster way to get to where they are going. We are just trying to protect the feel and integrity of the lava reserve. We will have four improved trail heads around the project for the public to access the trails through the lava preserve. Another reason that we don't want to have more traffic than we have to. The Western Corridor alignment is where we intend to keep it as we have it drawn. He provided an agreement that was

1 put in place and duly executed in 1997 with Ivins City and the agreement runs with the land that
2 the Western Corridor would immediately and exactly hug the north side all the way down its
3 alignment. We pushed it south simply because it helps preserve the lava and because of the many
4 meetings we have had with residents in trying our best to preserve lava and distance it from
5 homes and doing everything we can to keep the road as low as possible. We have done a lot of
6 work on this, and it is a good alignment. **Chairman Bryan Pack** stated the black line on the
7 interior of the property is where you want it to be? Patrick Manning stated that is correct. But it
8 will not be moved from its current connection that is showing on Snow Canyon
9 Parkway. **Commissioner Jeff Loris** stated that there is a dark dash line coming off the south
10 private road just off the edge of the salt layer. What is that road? Patrick Manning stated we are
11 abandoning that whole area. **Commissioner Jeff Loris** inquired that at Choco West there is a
12 roundabout just across the bridge. There will not be any connection that comes north off of that
13 roundabout to access the southern part in Ivins? Patrick Manning stated that was on the Class V
14 Conditional Use Permit that was approved. The roundabout to the ninth green will connect up to
15 the streets at Entrada. **Chairman Jeff Loris** inquired if that is not part of this change on the
16 map? Patrick Manning stated no. **Chairman Bryan Pack** opened up the Public Hearing.
17 Michael Barton stated that there is road showing connecting to Mesa Vista. Patrick Manning
18 stated that is in the City's current Master Plan and is not part of our application. We are showing
19 on the SITLA property for that to be an emergency crash gate only. Once Red Mountain's
20 extension comes in, we will have a secondary access and abandon the crash gate. We are
21 showing no access to Mesa Vista. Michael Barton inquired on the northwest part of the Corridor,
22 where does that connect to? Does it stop at Snow Canyon Parkway? **Chuck Gillette** stated that
23 the Western Corridor ends at Snow Canyon Parkway and the other road was drawn in when the
24 land use was low-density residential so it will probably be changed when we amend the
25 Transportation Master Plan. Seeing no other comments, **Chairman Bryan Pack** closed the
26 Public Hearing.

F. **Discuss and consider recommendation of a proposed General Plan Amendment to the Transportation Master Plan, located at approximately 1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-Owner. Patrick Manning-Applicant.**

27 **Commissioner Lance Anderson** inquired on the road that is changing from public to private, is
28 the City okay with that? **Chuck Gillette** stated it is not his preference, but because of the
29 modeling he is okay with it. **Chairman Bryan Pack** stated he would just want to make sure
30 there is a private road there eventually. It would be nice to ensure there is a private road
31 there. **Commissioner Lance Anderson** stated that their design will require it to get traffic
32 through. He inquired if there is a roundabout on Snow Canyon Parkway and the
33 Corridor? **Chuck Gillette** stated yes. We anticipate a roundabout there. **Commissioner Lance**
34 **Anderson** inquired if the City agrees with the agreement Patrick Manning has? **Chuck**
35 **Gillette** stated that he doesn't know if there is a specific commitment on whether it is 100 feet
36 here or there. **Chairman Bryan Pack** inquired is there a concern as it moves closer to residences
37 there? **Commissioner Lance Anderson** stated it takes out less lava from what it shows. **Chuck**
38 **Gillette** stated those lots are 300 ft deep and they are large. His guess is that they still have 150
39 and 100 feet to the back of their properties. **Commissioner Jeff Loris** inquired is there an
40 elevation difference from the residences to the center line of the road? **Chuck Gillette** stated yes
41 these homes sit at about 30.35 elevation, and we were thinking the highest we would accept it to
42 go is 30.25 and no higher. **Commissioner Lance Anderson** stated that he has heard about that

1 agreement before. If it is in place, there isn't much we can do about it. **Chuck Gillette** stated it
2 was loose language. **Commissioner Lance Anderson** stated that the agreement says they can
3 hug the property line to the north as much as possible. **Chairman Bryan Pack** stated so they
4 could have done that, but they have chosen not to. **Commissioner Lance Anderson** stated if
5 they move it to the south it will cause them to have a dead pocket. The homeowners of course
6 would want it as far south as they can get it. Patrick Manning stated that he doesn't believe there
7 is a resident over there that he has not met with at least once. The property owners have
8 appreciated we are protecting the lava flow and keep it low. The property owners have been
9 noticed and there is no one here voicing concerns. He has done a lot of work to get this
10 alignment in. **Commissioner Lance Anderson** inquired if we move it north, would it put it
11 higher? The terrain goes higher. **Chuck Gillette** stated yes, but the way the original alignment
12 was set up it was designed to cut through a natural canyon in the lava. You wouldn't cut as much
13 if it was pushed south. He found the agreement and read it. A copy is available at the City Office.
14 Exhibit E shows a marker pushing it north. **Commissioner Lance Anderson** stated we can move
15 this ahead to City Council with the exhibit since no one has voiced an opinion. **Chairman**
16 **Bryan Pack** stated that is a good suggestion.

17 **MOTION: Commissioner Bob Morris moved to approve recommendation of a proposed**
18 **General Plan Amendment to the Transportation Master Plan, located at approximately**
19 **1450 East Snow Canyon Parkway, on the south side of the horse roundabout. Enlaw, LLC-**
20 **Owner. Patrick Manning-Applicant.**

21 **SECOND: Commissioner Doug Clifford**

22 **VOTE: The motion carried.**

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. **Continued discussion and consider recommendation of a proposed Zone Change of 113 acres from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RE-37 (Residential Estates District, minimum lot size 37000 sq ft) R-1-7.5 (Residential Single Family, minimum lot size 7,500 sq ft) RC (Resort Commercial District) and RM (High Density Residential Multi-Family District), located at approximately Puerto Drive and 400 South. SITLA-Owner. Patrick Manning-Applicant.**

23 **Mike Rodriguez** stated that the previously held public hearing was on the zone change
24 application from RA-5 to RE-37 and R-1-7.5 which is the lower of the medium density, RC
25 Resort commercial, and RM high-density residential multi-family on 113 acres at the SITLA
26 property south of Padre Canyon Estates and west of Puerto Drive and extending east towards the
27 lava fields. The previous application included a C-1 commercial element in its zoning, so they
28 changed that application to just RM, resort commercial. They changed the narrative a little bit as
29 a result of that. This proposal is in conformance with the recommended changes by City
30 Council. **Commissioner Jeff Loris** stated that the land use has been changed by City Council
31 and the RE-37 on the north and the buffer that they requested as well as the medium-density
32 residential on the west and south side, and with the Resort Mixed-Use in the middle, it seems
33 that the applicant came forward with the exact element of what the City Council and TRC has
34 recommended. **Commissioner Bob Morris** stated he agrees. **Commissioner Doug**

1 **Clifford** stated what other options do we have for zoning in here? Most emails we received were
 2 requesting not to change the zone. There aren't a whole lot of options. **Mike Rodriguez** stated
 3 the designated zone should be consistent with the land use on this parcel. This application is
 4 consistent with that. **Chairman Bryan Pack** stated that he is concerned with limiting it to single
 5 story. If we did not designate R-1-7.5 and do R-1-10 instead, they could do a Subdivision
 6 Enhancement Overlay of some sort to get their greater density and in exchange we get to review
 7 the height. **Commissioner Doug Clifford** stated that he thinks that is a great idea. It puts the
 8 burden on the developer to do what they said they would do. **Chairman Bryan Pack** stated he
 9 believes they will do exactly what they say they will do, but his concern is if the market turns
 10 and the property gets sold then we would have a new developer that may not be interested in
 11 doing single story homes. **Commissioner Lance Anderson** stated when he looks at the
 12 Transportation Master Plan, that edge where the Western Corridor comes across, is there a cliff
 13 there? Patrick Manning stated no there is a swap that has already been done in that area for that
 14 road. **Mike Rodriguez** stated that R-1-7.5 zoning matches existing homes, but R-1-10 would be
 15 consistent with the medium-density land use as well. **Chairman Bryan Pack** stated that it would
 16 be nice to see what is in the mixed-use area, but we will have discretion with that when a plan is
 17 presented. **Commissioner Doug Clifford** stated that most citizen concerns were environmental
 18 issues with the geography, water table, blue clay, etc. Those get sorted out when they come back
 19 with the actual design. It will be naturally taken care of during the design
 20 process. **Commissioner Lance Anderson** stated that R-1-7.5 is what is next to it. They gave up
 21 all the open space. He doesn't want to play that game so that they have enough area to work in.
 22 He doesn't know that it benefits us much to request R-1-10. In this situation, he has so much
 23 property to work with and with water issues they need a little flexibility to work with. **Chairman**
 24 **Bryan Pack** stated that R-1-10 with an Subdivision Enhancement Overlay with a single story
 25 condition gives us exactly what he promised us. They have done a good job and they have a
 26 good track record. He is not worried about this developer. He is worried if it gets sold to a
 27 different developer that doesn't want that. **Mike Rodriguez** stated that this map changed from
 28 the previous application, as well as the narrative, and at the bottom of the first page it states that
 29 they will be single-story homes. **Chairman Bryan Pack** stated that the narrative isn't bonding.
 30 They could do a standard subdivision that allows it to be up to 25 ft high. It does not matter what
 31 the narrative says as far as entitlements go. **Mike Rodriguez** stated that there is not a project
 32 plan that has to come forward with the R-1-7.5 zoning, only the mixed-use.

33 **MOTION: Chairman Bryan Pack moved to approve recommendation of a proposed Zone**
 34 **Change of 113 acres from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RE-**
 35 **37 (Residential Estates District, minimum lot size 37000 sq ft) R-1-7.5 (Residential Single**
 36 **Family, minimum lot size 7,500 sq ft) RC (Resort Commercial District) and RM (High**
 37 **Density Residential Multi-Family District), located at approximately Puerto Drive and 400**
 38 **South. SITLA-Owner. Patrick Manning-Applicant, with the recommendation that R-1-7.5**
 39 **change to R-1-10 zoning.**

40 **SECOND: Commissioner Bob Morris**

41 **VOTE: The motion carried.**

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

B. Discuss and consider approval of Kanta Village Phase 1 Final Plat, located at approximately 343 West Hwy 91. Kanta Holdings, LLC-Owner. Rauni Malhi-Applicant.

Mike Rodriguez stated that this is for Phase 1 and matches the Preliminary Plan. TRC has reviewed when they amended the preliminary plan to propose phased construction on April 23rd. They relocated a commercial unit from one of the four unit buildings to one of the six unit buildings to be constructed with Phase 1 and by phasing, also required the approval of a development agreement. TRC reviewed on July 23rd and recommends approval. This complies with City Ordinances. **Commissioner Jeff Loris** stated that Phase 1 includes all the improvements on Highway 91 and will not impede in traffic. It is an expensive phase. He agrees it is in compliance.

MOTION: Commissioner Doug Clifford moved to approve Kanta Village Phase 1 Final Plat, located at approximately 343 West Hwy 91. Kanta Holdings, LLC-Owner. Rauni Malhi-Applicant.

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

C. Discuss and consider proposed zoning text amendments regarding grading.

Chuck Gillette stated that it has been a couple weeks so hopefully the Commission had time to take a look at it and come back with comments. We have new rules to try to keep homes low, especially when adjacent to existing homes, as well as new guidelines regarding fencing and better diagrams. **Commissioner Doug Clifford** stated that he has had conversation with citizens about the walls. People are concerned that our ordinance allows them to be too high for front yards. Those lines between front and back yards are blurring now. But if our streets become corridors of stucco at the edge of sidewalks, we lose the appeal of Ivins. **Commissioner Lance Anderson** stated he agrees with that. Bill Papanikolas wrote in on that same subject. Diagrams are good for cookie cutter subdivisions, but it doesn't work for the type of product he is trying to accomplish. This diagram makes a lot of assumptions like placement of driveway, entrance, setbacks. It makes them cookie cutter, but it doesn't create viewshed. It works on 75-80% of subdivisions. **Chairman Bryan Pack** inquired what is the solution then? **Commissioner Lance Anderson** stated the walls should not be raised up at all. 7 feet turns into tunnels we drive down through. Setbacks are for safety and visual. **Chairman Bryan Pack** inquired if there is anything that would stop Lance Anderson from building the way he wants to build? He agrees with the fence issue and having 7 feet walls in the front yard. **Commissioner Jeff Loris** stated you can't put it in the front yard. **Chairman Bryan Pack** stated that is right, not with this ordinance. If it is a regular subdivision like the 75-80% of homes are, you are limited to 3 and a half feet. In the type of subdivisions you do, you wouldn't put the wall out there anyway so it really is a non-issue. **Commissioner Lance Anderson** stated the issue is what is the front yard? In our type of subdivision where we do flat roof and look to the view, so your entrance may be in the backyard and the pool may be in what is considered in most areas as the front of the house. We use courtyards. They give up a lot of space around the lot. When you diagram things, they become absolutes. **Chairman Bryan Pack** stated that these limitations just say you can't do anything

1 more restrictive than what is being shown here. He inquired if there anything specifically that
2 you can't do with a house because of the way these diagrams read? Is there anything you can do
3 in a front yard that you can't do in a side or backyard? **Commissioner Lance Anderson** stated
4 he doesn't know until he applies it. Just the distance back. **Mike Rodriguez** stated in our zoning
5 ordinance, we have definitions of front, rear, sides. Generally the front is the one adjoining the
6 street. If it is a corner lot, then you have two street sides, so those setbacks are the same as any
7 front. We determine the front to be where the front door is located on a corner lot.
8 **Commissioner Doug Clifford** stated that in Palisades at Snow Canyon they have huge privacy
9 walls right at the sidewalk. They put in a pool and call it their backyard. **Mike Rodriguez** stated
10 in gated communities they have a different set of rules that apply that has allowed pools to be
11 placed in what we would consider the front yard. They also have different restrictions where they
12 can have higher court yard walls. It has been a challenge to interpret and apply those rules
13 because it has gotten out of hand in that development. He thinks that is what we are trying to
14 avoid from that type of thing continuing or going into other parts of the City, which is why
15 Chuck Gillette has come up with some of these recommendations to have 3 and a half foot tall
16 walls or hedges. The only place he has increased from 6 feet is to allow 7 foot walls on the rear
17 privacy wall. **Chairman Bryan Pack** inquired what would anyone like to change before moving
18 this forward to a public hearing? **Commissioner Lance Anderson** stated the setback area and
19 drainage and who is maintaining it. He likes the concept, but is thinking about the logistics.
20 **Chuck Gillette** stated that is correct, he did not say who maintains it definitively. It would be the
21 property owner or the HOA. **Commissioner Jeff Loris** stated there is a lot of build-out on the
22 north side of the City. Everything is pushed up to the Red Desert Reserve on the west side.
23 Kayenta follows higher restrictions than what this requires. On the south side where you climb
24 up that hill is the only place where he can see this would apply. Why are we considering this
25 after everything is already built out? He is not pleased with this. It states that the engineer shall
26 provide a statement that says that it is not in a flood area. There is always a potential for flood so
27 no engineer will sign off on that. And we need to say who maintains the drainage.
28 **Commissioner Lance Anderson** stated he agrees with what they are saying but he is always a
29 believer of the daylight area so drainage handles certain storms, but it needs to be maintained by
30 an entity like the City or an HOA, and he could see that this could be consuming for the City to
31 maintain a lot of these areas. There are a lot of areas we are building up higher just to get the
32 drainage. **Chuck Gillette** stated this is one area where this will apply and last meeting we
33 showed a sample subdivision and he is concerned about new homes having the potential of
34 towering over these guys. We don't know if development will march up the hill. Even if there is
35 a 2 or 3% grade, there is a potential for homes to be 3 or 4 ft above the homes adjacent to
36 them. **Commissioner Jeff Loris** inquired what the difference of Chuck Gillette's contour being
37 plus or minus 5 ft or the conventional way of developments being plus or minus 5 feet? **Chuck**
38 **Gillette** stated the Mayor suggested that the uphill lots build up and the downhill lots don't. That
39 way it reduces the distance significantly. If you can't lower the road then they set the pad as
40 much as 2 ft below. **Commissioner Jeff Loris** stated yes so that means an elevation difference
41 of 6 feet in the middle of the road rather than the backs of the ownerships? **Chuck Gillette** stated
42 that the difference is distance. When buildings are 20 feet apart with a 6 ft grading elevation, it is
43 horrible for the people who live there. **Commissioner Jeff Loris** stated we can't protect or
44 legislate view corridors. **Chuck Gillette** stated it is not views being protected. It is more for
45 privacy than view. **Commissioner Lance Anderson** stated this should not be mandated. If the
46 developer wants to create this environment, then it should be allowed, but not mandated. Once

1 we apply it, we will know right away. With this criteria you will force weird development. It
2 sounds good on paper until you apply it and make it make sense. **Chuck Gillette** stated he
3 agrees. He has banged his head against the wall trying to do this ordinance. **Commissioner**
4 **Lance Anderson** stated he would like to just make it a mandate so people can start applying it.
5 This functions if they have a daylight area, but make sure you don't ever build in the hole.
6 Running roads with the slope instead of against the slope works better for sewers and drainage
7 overall. **Chuck Gillette** stated we are not asking engineers to certify whether or not a lot will
8 flood. We are asking the engineer to identify whether it is a high risk for flooding and defined by
9 a number that is plugged in to show calculations to show it meets standards imposed by this
10 ordinance. **Commissioner Jeff Loris** stated but if it floods, they are not held accountable.
11 **Chuck Gillette** stated it is just like a building code. If he follows code and the building still falls,
12 it is not his fault. **Commissioner Lance Anderson** stated that is thousands of dollars later.
13 **Commissioner Jeff Loris** stated that he just doesn't want the City opening up possible
14 liabilities. **Chuck Gillette** stated it has been hard. **Commissioner Jeff Loris** stated he
15 appreciates what you have done. **Chuck Gillette** stated he is open to all ideas. **Chairman Bryan**
16 **Pack** stated that if Commissioners Jeff Loris and Lance Anderson would go through it and see
17 what needs to be altered. **Commissioner Lance Anderson** stated we don't know until we know.
18 Conceptually it seems reasonable. Once it gets mandated it will be an expensive ordeal for
19 someone. **Commissioner Doug Clifford** stated the work Chuck Gillette has done is really good
20 and will help a lot of subdivisions but he would recommend mandating it so if they have a parcel
21 that doesn't fit the model then they have an option. **Commissioner Jeff Loris** stated that the
22 statement "other as required by the City Engineer" sounded like a taking initially, but now he
23 appreciates the statement in there recognizing that it was so there could be allowances and
24 negotiation. **Chuck Gillette** stated this is the ideal. Let's see how close we can get to it. He
25 doesn't love steep driveways on lots. One thing to look at when rezoning properties is not to have
26 high-density on sloped lots. It is not a good environment to live in when you have people
27 perched above you. **Commissioner Lance Anderson** stated but they bought it because they can
28 afford it. We don't want to take away people's affordability. Same theory with townhomes. They
29 may not love it, but that is what their affordability is at the time. Here we are with this rule
30 requiring people to create a certain value to make those lots worth more money. Then it is out of
31 the market that some people want to be in. **Commissioner Jeff Loris** stated that if Chuck
32 Gillette has leniency he has an ability to help them understand what the City
33 wants. **Commissioner Lance Anderson** stated that Dale Coulam might not agree. If it meets
34 criteria, the City Engineer should have more leeway to help the City grow how it should. **Chuck**
35 **Gillette** stated even if it is not in our code, most engineers are really good to listen to what we
36 suggest and ask for and what we want even when it isn't necessarily required. **Commissioner**
37 **Lance Anderson** stated engineers look at it to make sure it functions right. They don't look at it
38 aesthetically. Whatever hat someone wears the most is how they view a project. Our background
39 dictates our decisions. **Commissioner Jeff Loris** stated that's why it is good for the engineer to
40 talk with each developer and tell them what we want as each application comes in. **Chairman**
41 **Bryan Pack** stated this is not ready today but we can bring it back next meeting. Let's focus on
42 this for the next meeting and clear this off our plate and have some concrete ideas on how to
43 push it forward. **Commissioner Lance Anderson** stated it relates to the subdivision more than
44 the grading ordinance. They need to connect somehow. **Chuck Gillette** stated it does refer back
45 to grading. **Commissioner Lance Anderson** stated in the setback table too. **Chuck**
46 **Gillette** stated yes but the setback table is in the zoning ordinance. **Commissioner Lance**

Anderson stated that it seems hard to find where everything is at. **Commissioner Doug Clifford** inquired if it does have to be a standard that applies everywhere, or could it be a set of design guidelines that if you don't want to follow you have to show why not? This covers 80% of the people but we have a lot of unique properties. Does **Chuck Gillette** have flexibility on the unique lots? **Chuck Gillette** stated if something is not feasible, the City has obligation as staff to say there is no way for people to meet that guideline. **Commissioner Bob Morris** stated no, because once it is the law that is what has to be followed. **Chuck Gillette** stated we have guidelines and we could make it that rather than an ordinance. **Commissioner Bob Morris** stated that is his preference. **Commissioner Doug Clifford** stated he agrees. **Chuck Gillette** stated he could add it as a chapter inside design guidelines. **Chairman Bryan Pack** stated let's look into that from the City's perspective.

D. [Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for August 4, 2020.](#)

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for August 4, 2020.

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE

6) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

7) [ADJOURNMENT](#)

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Jeff Loris

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Lance Anderson	AYE
Commissioner Bob Morris	AYE
Commissioner Jeff Loris	AYE
Commissioner Doug Clifford	AYE