

**IVINS CITY
PLANNING COMMISSION
MINUTES
September 15, 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 Doug Clifford, and Commissioner Bob Morris.

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator, Chuck Gillette-City Engineer, Lane Mecham-Director of Finance, and Sharon Allen-Deputy City Recorder.

Audience Attending: Cody Mitchell and James Sullivan.

A. Acknowledgement of Quorum

B. Invocation--Chairman Bryan Pack

C. Disclosures

Commissioner Lance Anderson stated that he has a conflict with all agenda items except 5C, which he had discussions and negotiations with the developer, but it is not his. No other conflicts.

2) REPORTS AND PRESENTATIONS -None

3) BUSINESS LICENSES -None

4) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing on a proposed Concurrent Land Use Amendment to modify the mix of HDR (High-Density Residential) and CLM (Commercial Light Manufacturing) on the parcel, and a Zoning Districts Amendment from RA-5 (Agricultural District, minimum lot size 5 acres) to a mix of R-1-5 (Residential Single Family, minimum lot size 5,000 sq. ft.) and CLM on approximately 14.718 acres, located at approximately Hwy 91 and Crescent Moon Village. RT Marten, LLC-Owner. Kayenta Development/Lance Anderson-Applicant.

Dale Coulam stated that this is a portion of the land use map just below Fire Lake Park showing the mixture of High Density Residential and Commercial Light Manufacturing. This agenda item you may recognize, because you previously approved it, but it was backwards on the land use portion. It said it was going from Commercial Light Manufacturing and High Density Residential to just Commercial Light Manufacturing and gave it a zone of R-1-5 which is High Density Residential, which could not occur, so what is really happening is defining what portion the applicant wants R-1-5 and High Density Residential and what portion is Commercial Light Manufacturing? **Lance Anderson** stated that on the zone map the lines show where R-1-5 is, and the rest is Commercial Light Manufacturing, that is being split vertically. Parcel B is the R-1-5 and then parcel A and C is Commercial Light Manufacturing. It goes with the topography that is out there. **Dale Coulam** stated so it goes down southward to that borderline and across Hwy 91 into that little triangle, and then a curved vertical that becomes R-1-5 all the way to the wash. There is a legal for the zone map and the bubble will follow that same path following High Density Residential and the rest is Commercial Light Manufacturing. **Lance Anderson** stated that Parcel A and C relates to Commercial Light Manufacturing and Parcel B relates to R-1-5,

1 which is High Density Residential. **Dale Coulam** stated the land use change would bring
2 Commercial Light Manufacturing all the way down to the west side of Parcel B and jump Hwy
3 91 to Parcel C. And Parcel B has a legal and becomes the High Density Residential and becomes
4 R-1-5 and the rest is Commercial Light Manufacturing. Commissioner Doug Clifford inquired
5 what the anticipated use of Parcel B would be? **Lance Anderson** stated just single family homes.
6 The rest will be similar like work-live units, the car barn, or townhomes. **Chairman Bryan**
7 **Pack** opened the Public Hearing. Hearing no comments, **Chairman Bryan Pack** closed the
8 Public Hearing.

B. Discuss and consider recommendation of a proposed Concurrent Land Use Amendment to modify the mix of HDR (High-Density Residential) and CLM (Commercial Light Manufacturing) on the parcel, and a Zoning Districts Amendment from RA-5 (Agricultural District, minimum lot size 5 acres) to a mix of R-1-5 (Residential Single Family, minimum lot size 5,000 sq. ft.) and CLM on approximately 14.718 acres, located at approximately Hwy 91 and Crescent Moon Village. RT Marten, LLC-Owner. Kayenta Development/Lance Anderson-Applicant.

9 **Commissioner Lance Anderson** recused himself. **Commissioner Bob Morris** inquired about
10 access to the residential portion? **Commissioner Lance Anderson** stated that there is an access
11 below the reservoir. It accesses the Crescent Moon Inn and there will be connectivity at Fire
12 Lake Park. **Dale Coulam** stated that the 3.8 acres identified as Parcel B would be High Density
13 Residential on the land use map and R-1-5 on the zoning map and the remainder would be
14 Commercial Light Manufacturing.

15 **MOTION: Chairman Bryan Pack moved to approve recommendation of a proposed**
16 **Concurrent Land Use Amendment to modify the mix of HDR (High-Density Residential)**
17 **and CLM (Commercial Light Manufacturing) on the parcel, and a Zoning Districts**
18 **Amendment from RA-5 (Agricultural District, minimum lot size 5 acres) to a mix of R-1-5**
19 **(Residential Single Family, minimum lot size 5,000 sq. ft.) and CLM on approximately**
20 **14.718 acres, located at approximately Hwy 91 and Crescent Moon Village. RT Marten,**
21 **LLC-Owner. Kayenta Development/Lance Anderson-Applicant, with 3.8 acres identified as**
22 **parcel B to be High Density Residential on the land use map and R-1-5 on the zoning map,**
23 **with the remainder Parcels A and C being Commercial Light Manufacturing.**

24 **SECOND: Commissioner Bob Morris**

25 **VOTE: The motion carried.**

Chairman Bryan Pack	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

5) DISCUSSION AND POTENTIAL ACTION ITEMS—

A. Discuss and consider approval of Posovi 3-E Final Plat, located at approximately Uwan Drive. Kayenta Development, Inc Owner/Applicant.

26 **Commissioner Lance Anderson** recused himself. **Mike Rodriguez** stated that this is a simple
27 one-lot subdivision on .257 acres and complies with the Preliminary Plan TRC has reviewed this
28 and recommends approval. Bob moved to approve.

29 **MOTION: Commissioner Bob Morris moved to approve Posovi 3-E Final Plat, located at**
30 **approximately Uwan Drive. Kayenta Development, Inc Owner/Applicant.**

31 **SECOND: Commissioner Doug Clifford**

32 **VOTE: The motion carried.**

Chairman Bryan Pack	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

B. Discuss and consider approval of Mojave Mesa 1-C Final Plat, located at approximately Mojave Way and Fitness Way. AnA Enterprises, LLC-Owner/Applicant.

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this is an extension of Mojave Mesa subdivision, Phase 1-C consisting of 14 lots on 4.085 acres. The final plat complies with the preliminary plan and TRC has reviewed and recommends approval. This subdivision has two different zones on it, both R-1-10 on the westernmost portion, and R-1-7.5 on the easternmost portion. **Commissioner Doug Clifford** inquired if there were any slope issues? What is the topography? **Mike Rodriguez** stated there is a slight grade to the west, left of that cul-de-sac.

MOTION: Commissioner Bob Morris moved to approve Mojave Mesa 1-C Final Plat, located at approximately Mojave Way and Fitness Way. AnA Enterprises, LLC-Owner/Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Bryan Pack	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Lance Anderson	RECUSE

C. Discuss and consider approval of Anasazi Vista Phase 2, located at approximately 200 South and Kwavasa Drive. Anasazi Vista LLC-Owner. James Sullivan/Adam Allen-Applicant.

Mike Rodriguez stated that this is Phase 2 on approximately 5 acres being subdivided into 18 lots. The proposed improvements are in compliance with city ordinances. TRC has reviewed this and recommends approval. This is the next phase moving north along Kwavasa Drive. There has been significant amount of grading and excavation going on to put utilities in and all the subdivision improvements. This is zoned R-1-10. **Lance Anderson** stated that he had negotiations early on with this applicant on this subdivision, but has no ownership in it. **Mike Rodriguez** stated that this is a phased development and will require a development agreement that is going to City Council. There was a land swap made on this property with Terry Marten and Kayenta Development so now it runs south along 600 West across from Cliffrose and Kee Stone Village, and one of the stipulations was that homes in this subdivision will be single-story, flat roof, or no more than a 4/12 pitch roof. **Chairman Bryan Pack** inquired if that was part of the land swap or that is in the development agreement? **Mike Rodriguez** stated it is in the development agreement. **Dale Coulam** stated just as a formality in the motion, it would be subject to the approval of the development agreement, which goes before City Council on Thursday. Staff and the applicant are in agreement on all terms of the development agreement. **MOTION: Commissioner Doug Clifford moved to approve Anasazi Vista Phase 2 final plat, located at approximately 200 South and Kwavasa Drive. Anasazi Vista LLC-Owner. James Sullivan/Adam Allen-Applicant, subject to the approval of the development agreement by City Council.**

1 **SECOND: Commissioner Bob Morris**

2 **VOTE: The motion carried.**

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

D. **Discuss and consider proposed amendments regarding grading.**

3 **Chairman Bryan Pack** stated that we have seen this before. **Chuck Gillette** stated he has no
4 new comments to offer. **Commissioner Doug Clifford** stated that Commissioner Jeff Loris was
5 at the last meeting where it was discussed. It was tabled because our chairman was not
6 present. **Chairman Bryan Pack** stated the last time we talked about it there were still issues
7 being discussed. What are the suggestions from that discussion so we can move this forward? He
8 is comfortable moving it forward as it is drafted but he will entertain
9 suggestions. **Commissioner Lance Anderson** stated there are a lot of pieces to this because
10 what has been done on this is appropriate for a standard subdivision and it is helpful for that
11 aspect, but he doesn't know that we want to only standardize that. Once we create an ordinance
12 that is the way it is. **Commissioner Doug Clifford** stated that last meeting we talked about never
13 having an answer for every issue that is ever going to come up. We talked about making this a
14 guideline, instead of an ordinance. But, if we do that, enforcement power may be harder. But if
15 someone comes in with something unique and would like to propose customization for that
16 subdivision they would like to have for their area. Is there a way to come in if they are not within
17 the bounds of the ordinance but get approved by a Committee or our City Engineer to give some
18 flexibility? **Chairman Bryan Pack** stated that we are not proposing changing the whole
19 ordinance, we are just discussing grading and fencing of the walls. Are those items what you are
20 most concerned about? You would like discretion with City Staff? **Commissioner Doug**
21 **Clifford** stated yes, homes are going away from the traditional idea that the front of the house
22 always faces the street and swimming pools are in the backyard. In Palisades, almost every lot
23 that faces the street to the north of them has chosen to put their pool or recreational area between
24 the home and the street. It creates a significant wall against the street itself. It's a subdivision that
25 feels like you are going down a tunnel. He doesn't know if that is what we want for
26 Ivins. **Chairman Bryan Pack** inquired if he has a solution to address that? **Commissioner Doug**
27 **Clifford** stated that maybe there needs to be a way to visualize and customize, and not
28 necessarily have them make it look so cookie-cutter. **Commissioner Lance Anderson** stated
29 that on the wall item, what is important when dealing with a subdivision is that there is a
30 standard for that subdivision and if they buy in that way and want higher walls, you have to vote
31 and decide for that subdivision if they want 8-foot walls and everyone in that subdivision buys in
32 to that concept. It is after-the-fact that creates problems. We have City minimums for corner
33 visibility and setbacks and those minimum standards need to be met, but if in their HOA
34 documents they say 8-foot walls, so be it if the whole subdivision buys into it. If it meets health,
35 safety and welfare. **Chairman Bryan Pack** inquired if he suggests eliminating 7
36 feet? **Commissioner Lance Anderson** stated leave the maximum at 6 feet in a standard
37 subdivision, and if a subdivision with an HOA votes in higher or lower walls then they can
38 change it. **Commissioner Bob Morris** stated HOA can't go against our ordinance. This is too
39 complicated. It is all a good guideline but there are too many exceptions. **Chairman Bryan**
40 **Pack** stated so we are suggesting to add language that allows an HOA to do that. **Commissioner**

1 **Lance Anderson** stated we live on ordinances that are currently here. **Chairman Bryan**
2 **Pack** stated the only changes are fences, walls and grading. Is the suggestion to exempt HOA's
3 from these requirements? **Commissioner Lance Anderson** stated that it seems that changing
4 grading just changes the value of the lots and creates value, and then that is no longer affordable.
5 The drainage idea is good. He doesn't like requiring setbacks on neighboring property. He likes
6 the grading concept, but if you want to be further away from normal setbacks, that would require
7 your HOA to vote. **Commissioner Doug Clifford** inquired if The Cliffs side setbacks are
8 standard? Does the HOA trump the City? The laws of the City are there as a maximum, they can
9 go less than but it can't be exceeded. **Chairman Bryan Pack** stated the proposal is that we write
10 in a provision that allows an HOA to get around those laws. **Commissioner Doug**
11 **Clifford** stated we still need to have a standard. If HOA can have discretion to go around all the
12 ordinances, it would be chaos. It would harm the entire community. In the case of grading and
13 fencing, it is more about topography than choice of style. If you have property that just doesn't
14 lend itself well to these laws, staff should have discretion. Lots will be bigger because of this, but
15 it did lend itself as a better solution by being able to do that. So he doesn't propose to make it a
16 totally flexible guideline but in severe cases where an appeal can be made, we should be able to
17 allow that. **Commissioner Lance Anderson** stated that he wants HOA to be able to create
18 creativity so that a community doesn't say you can only do it this one way. The standard should
19 stay 6 feet on the walls. We should not jump them to 7 feet. Six feet is plenty, to hide people's
20 yards and not drive down a tunnel. Garages are 10 feet apart now, but if you are allowed to put
21 them together, it then makes living spaces further apart. **Chairman Bryan Pack** inquired what is
22 the suggested language? **Commissioner Lance Anderson** stated that Figure 11-11 has a good
23 representation and just move that height back to 6 feet. It has been that way for years and seems
24 to work. Make this our standard, but allow for flexibility if someone wants to have more
25 creativity. **Commissioner Doug Clifford** inquired if it can it be a Conditional Use Permit where
26 this is the standard and if you want to do something different, come in and apply? It gets looked
27 at by our City Engineer. **Chairman Bryan Pack** stated then we define standards and list a
28 specific set of conditions. If we leave it open, that opens the City up for lawsuits. **Commissioner**
29 **Lance Anderson** stated it could be done through a Development Agreement and if they don't
30 affect health, safety and welfare, then what difference does it make? They buy in to that
31 development because that is what they want and can afford. **Commissioner Doug**
32 **Clifford** stated that maybe it is already an administrative decision. It is already in there where if
33 there are situations that are above and beyond the normal scope then it must be approved by our
34 City Engineer. **Chairman Bryan Pack** stated talking in generalities isn't moving us forward.
35 Let's get into specifics, or as Commissioner Bob Morris mentioned, maybe we are taking it too
36 far. The question is, are we making changes for grading purposes? If the wall issue hasn't been
37 broken, why are we fixing it? **Commissioner Doug Clifford** inquired if Chuck Gillette feels like
38 he has these issues called out in here? Grading is the issue. That is a measurement, not an
39 aesthetic issue. **Chuck Gillette** stated he is comfortable with the grading ordinance. There are
40 areas we can negotiate if the developer feels they can't meet the requirement. The ordinance
41 allows that. Jeff Loris had stated concerns about the north side of the street having steeper
42 driveways. That is an aesthetic. He thinks the wall ordinance the way we tweaked it makes it a
43 little better. It can get unattractive when the walls get close to the sidewalk and this helps that
44 from happening. 6 feet or 7 feet on the wall is neither here nor there. Mike Rodriguez and Chuck
45 Gillette decided to add it in to match the IBC. Keeping it at 6 feet is fine. It is up to you guys. No
46 one will have hard feelings. This is just a proposal for you guys to decide if you think it makes

any sense. **Commissioner Bob Morris** stated that hearing about developers and leverage is fine, but he sympathizes with the poor guy that buys a lot and then finds out 25% of it is not usable because of an ordinance he has never heard of. Times change and if it upsets me enough he should move. We have things in place that have worked up until now and he doesn't think giving out more ordinances is helpful to the individual. **Commissioner Doug Clifford** stated that a lot of hard work and engineering went into it and it will be fine, but he is anticipating that there will be cases that just don't work. He thinks it is a good guideline rather than an ordinance. **Mike Rodriguez** stated that the 7 foot walls were put in there just because of the building code. 6 foot walls is fine and can be more restrictive than the code. **Dale Coulam** stated a Development Agreement can't change the law. Setbacks are set by zoning law. There is a process to change zoning ordinances spelled out in statute. The City can't break its own ordinances. **Commissioner Lance Anderson** stated we could allow it, if we created that as an ordinance. **Dale Coulam** stated it would have to be in the ordinance, and the exception would have to be in the ordinance. That is why Chairman Bryan Pack is asking for language. Staff has done their best at creating a draft. If you have language different than this, that would be helpful to evaluate as opposed to throwing out ideas. That leaves staff not knowing what to do. **Commissioner Lance Anderson** stated we help format language by talking. This grading ordinance is just changing the value of lots. He would like this to be an option. The drainage and the walls are good. He likes the concept of protecting viewsheds, and it has been methodically thought about. When people buy a house, they are paying the dollar based on the viewshed in Ivins. We are telling people to have bigger lots to protect their viewshed but that raises cost of lots and then it isn't affordable. He would like it to be an option instead of a mandate. Keep the wall at 6 feet and he needs to work on language to protect the intent, which is health, safety, welfare and aesthetics. The little walls out front are for aesthetics. We could use this concept but people need to be able to put walls where they want it. In the diagram it is on the property line. Everything in this ordinance is good but he doesn't want this to be the only way it can look. Grading should be an option not mandatory. **Chairman Bryan Pack** inquired what if we just didn't change the ordinance at all? Nothing stops a developer from coming in and doing a grading plan, so it is still an option for them. **Commissioner Lance Anderson** stated that he likes the rule out on Highway 91 that deals with averages rather than absolutes, not mandated. **Commissioner Doug Clifford** stated that averages don't work because individual homeowners push for the maximum that they can get. **Commissioner Lance Anderson** stated that right now there is an average of 10 ft by the length of the lot. That is the number they have to achieve when they put the wall in. **Chuck Gillette** stated that only applies to landscape buffers. **Commissioner Lance Anderson** stated that 10 ft out front is to give open space to the people in the street. **Chairman Bryan Pack** stated we can't push this forward because we don't have a consensus and we don't have specifics to take a look at. We can just say no to the ordinance and let City Council take a fresh look at it. **Commissioner Doug Clifford** stated that change on subitem 11 is if a developer can provide an acceptable justification that a design is not compatible for a proposed development and a different architectural design is proposed, it can be approved by the City Council. We need to consider the work that staff has done, especially on the grading. Not just for aesthetics but also for safety, like drainage, flood control and slopes. We should move that forward. Those are safety issues. **Commissioner Lance Anderson** stated that what has always been done before was safe, this ordinance has to do strictly with viewshed, not safety. **Chuck Gillette** stated that the ordinance the way it is now is probably safer from preventing homes from flooding, but we are showing that we are picking and choosing locations that are okay with taking extra risks on

1 flooding. It still provides protection, but it tows the line closer than we have in the
2 past. **Chairman Bryan Pack** stated he agrees with Commissioner Lance Anderson that it is an
3 aesthetic issue because we had some lots going in uphill, and it then became a political issue.
4 This could maybe not be as safe. **Commissioner Lance Anderson** stated right now we can't
5 technically do this. If a developer wants to do this, it is a good option to keep heights down and
6 deal with the drainage. It is something we should allow as an option, not as a requirement. He
7 would like to use it as a guideline, but he doesn't want it thrown out. **Chuck Gillette** stated right
8 now they would not be allowed to go below the curb. Generally, we say their lot has to go above
9 the curb. **Chairman Bryan Pack** stated so that is our recommendation to bring it in as an option,
10 not a requirement, and keep 6 feet height on the wall. Diagram 11.11 he has no specific concerns
11 there. We can make it clear that those are the minimums that have to be met. **Commissioner**
12 **Bob Morris** stated the whole fencing he has no issue with. If grading becomes an option, he is
13 for that, but not to mandate it. **Commissioner Lance Anderson** stated that regarding the
14 averages, recently a guy was building a bbq and because of the ordinance, he was 2 feet too far
15 out on their front yard to put that bbq. Whether they give 2 feet around a bbq or wherever, as
16 long as they give up the 500 feet total so they are not straight rigid walls. Then we say they can't
17 go closer than 7.5 feet is the minimum of your percentage. **Commissioner Bob Morris** stated or
18 25%. **Chairman Bryan Pack** stated that they are both saying essentially the same
19 thing. **Commissioner Doug Clifford** stated careful what you propose because if you said
20 average of number of feet front and back will never be that close. **Commissioner Lance**
21 **Anderson** stated no, street side only. **Commissioner Bob Morris** stated we are trying to address
22 not having monolithic straight-line walls, giving them some ability to vary. Street-side averaging
23 within 25% of what the standard is. **Dale Coulam** stated that we prefer front yard setback and
24 side setback that are streetside. If we start getting into backyard setbacks because it is in the back
25 of the house, that is not what we are trying to do. It needs to face the street. Not the rear
26 yard. **Chairman Bryan Pack** stated so we are making the grading plan an option to the
27 developer. Putting fencing back to 6 ft maximum, allowing setbacks as proposed in the ordinance
28 with the addition that instead of straight line 10 ft setback, it can vary by a maximum of 25%
29 from the setback, so long as the average of the entire street length meets the setback, and only
30 applies to front yard next to street and side yard next to street. **Chuck Gillette** stated we can
31 work that into this ordinance. **Commissioner Lance Anderson** inquired what is the setback on a
32 corner lot? **Commissioner Doug Clifford** stated Figure 11-14. **Chairman Bryan Pack** stated it
33 treats it as if it has two front yard setbacks for everything except the rear privacy
34 wall. **Commissioner Lance Anderson** stated we can average those and then have ability to have
35 creativity.

E. [Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for September 1, 2020.](#)

36 **MOTION: Commissioner Bob Morris moved to approve the Ivins City Planning**
37 **Commission Meeting Minutes for September 1, 2020.**

38 **SECOND: Commissioner Doug Clifford**

39 **VOTE: The motion carried.**

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

5 **MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT**

6 **SECOND: Commissioner Bob Morris**

7 **VOTE: The motion carried.**

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

8