

**IVINS CITY
PLANNING COMMISSION
MINUTES
January 5, 2021
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 Doug Clifford, Commissioner Jeff Loris, Commissioner Bob Morris, and Commissioner Lance Anderson.

Staff Attending: Mayor Hart, Dale Coulam-City Manager/Attorney, Mike Rodriguez-Building and Zoning Administrator, Lane Mecham-Director of Finance, Bob Flowers-Chief of Police and Sharon Allen-Deputy City Recorder.

Audience Attending: Cody Mitchell, Derek Larsen, Regina Roper, Chris Haddad, Cliff Gustin, as well as others who did not sign in.

A. [Acknowledgement of Quorum](#)

B. **Invocation--Commissioner Doug Clifford**

C. [Disclosures](#)

Commissioner Bob Morris stated that he has been an electrician for 41 years as an employee at Red Mountain Electric. He does not do much business in Ivins. **Commissioner Lance Anderson** stated that he does development in Kayenta, Indigo Trails and Mojave Mesa, which are low-lighting developments. He stated that he also has a conflict with the Concept Plan for Mojave Flats. **Chairman Bryan Pack** reminded the Commission to return their notarized annual disclosures back to Sharon Allen. No other conflicts.

2) REPORTS AND PRESENTATIONS -

A. [Concept Plan Report for Mojave Flats, located at approximately Palo Verde Way and Foxtail Way. Teacum Properties, LLC-Owner. Lance Anderson-Applicant.](#)

Commissioner Lance Anderson recused himself. **Mike Rodriguez** stated that this is a 9.24 acre site and is being subdivided into 29 lots for single family homes on Guy Lane and Fitness Way, south of Ryders consistent with R-1-5 and R-1-7.5 zoning. The proposed improvements are in compliance with city code and ordinances and is a standard subdivision. It is kind of an extension of Mojave Mesa, but will be a little bit different development. **Commissioner Doug Clifford** asked if there were any slope or drainage issues on this development? **Mike Rodriguez** stated there will be no significant drainage issues on this development. This is just a concept plan and we will get into it in the Preliminary Plan. **Lance Anderson** stated there are two knolls that stick up but they are minimal at about 1.50 percent.

3) PUBLIC HEARING AND ACTION ITEMS—None

4) DISCUSSION AND POTENTIAL ACTION ITEMS--

A. [Discuss existing Lighting Ordinance.](#)

Mayor Hart thanked the Commissioners for the work they do on behalf of the City. Each Commissioner is appointment by advice of the Mayor and consent of the Council to perform crucial planning functions in an advisory capacity for the City Council. Each of us has had a variety of opportunities to serve along the way and the experiences vary. He has been involved in City Government now for a significant number of years and witnessed firsthand much of the discussion on this topic. As this discussion has gone under the direction of the City Council to

1 the Planning Commission with the direct request that reader boards and some technical issues be
2 addressed, he needs to remind the Planning Commission that their responsibility is to implement
3 the General Plan. It has been created and revised on a number of occasions. In the last revision,
4 there are a number of references to the night sky. That happens to be a part of the vision
5 statement and recognized as an important element of our City's character and something worth
6 preserving. In reading minutes and emails reflecting on discussions that have recently taken
7 place, he would like to remind the Planning Commission that as you go through deliberations, if
8 you find discussions or make recommendations to be inconsistent or oppose the principles of our
9 General Plan, that is not what you have been put in place to do. He recognizes people are
10 passionate about this and a number of you have opposite points of view concerning this. He is
11 not limiting that, except to say that if what is being advocated is inconsistent with the City's
12 General Plan, it is not the task at hand. That is not what you have been asked to do. He would
13 also like to correct conjecture about the Dark Sky Initiative. He himself, upon hearing about the
14 opportunity to obtain International Dark Sky designation, thought it might prove to be a feather
15 in our cap and our developing image as a City. He asked former Planning Commissioner Mike
16 Scott who is a thorough researcher, to look into what that designation required. He did, and
17 further helped to initiate the Dark Sky Initiative and the group that congealed around that, which
18 became an autonomous entity. They intended to be of service to the City. After receiving a
19 myriad of complaints about the parking lot lighting at Rocky Vista University (RVU), it was
20 Mayor Hart that asked Mike Scott and his group to work with them to offer some solution that
21 would be acceptable and would improve the lighting environment within the City. It was 4000
22 kelvin lamps at the time and it was obnoxious. He then made contact with RVU's administration
23 and met with them. That is how it all commenced. The Dark Sky Initiative took it upon
24 themselves using their own donated funds, to work with the security department at RVU, and
25 proposed putting filters on the parking lot lights as an experiment. They did much of the labor
26 themselves and paid for it themselves. That was not a city expense. They simulated the high
27 pressure sodium lighting that has been within the City. City Council had worked for years to try
28 and simulate that, and since LED came along, that has no longer become available. Wilson
29 Jimenez put together the experimental filters and installed in bollards and streetlights at RVU
30 and throughout the City. Lamps and high pressure sodium street lighting was the standard of
31 safety for decades and was the source of illumination for streetlighting for many years. It is less
32 harsh but suitable to use at our trails and navigate our intersections. City Council has gone
33 through endless discussions trying to balance safety and ambience for several years concluding
34 the latest revision of the ordinance which failed to recognize the potential for reader boards and
35 any technical issues associated with changes in lighting. He has heard that 4000 kelvin is what
36 we should reinstitute in our ordinances but he would remind everyone of the endless number of
37 complaints that came with that parking lot full of 4000 kelvin lamps. Commissioner Bob Morris
38 has spoken about the rights of individual property owners to illuminate their property the way
39 they want to, and he recognized the argument. He would remind everyone that the State
40 Legislature over the years, and supported up to the Utah Supreme Court, have declared that a
41 City that has a clear vision for itself can establish zoning and standards for themselves. Inherent
42 in any zoning or ordinance of any kind, and we have many, setbacks, building height, colors, etc.
43 that would all be equal in violation of individual property rights. We are consistent with the
44 vision that has been established for our City. That is why they stand in court. That vision is most
45 clearly pronounced in the General Plan. He believes the discussion on this topic has gone awry
46 and turned away from the principles identified, and the value of the night sky as identified in the

1 General Plan. City Council has a right at any time to initiate a review and revision to the General
2 Plan. It is a living document and the last version is just that. That doesn't mean it will remain that
3 way forever more, but it is not the Planning Commission's place to initiate a revision of the
4 General Plan or any of its principles. He is not trying to create conflict, but set the discussion
5 straight and ask that the Planning Commission reflect on the General Plan and how the revisions
6 relate. **Chairman Bryan Pack** stated that to add to that, nothing we do here is binding on the
7 City Council. They can take our recommendation, reject it, adopt it, or revise it. Even if we failed
8 to act, they could consider it a rejection and still act. He has received comments from folks that
9 have watched online that have asked him to keep more control of the meeting so only one person
10 is talking at a time. Ask for recognition, so we all have a chance to say what we want to say. The
11 debate will not end with what we do here. The issues have been teed up either way, and we do
12 need to act within the bounds of the General Plan and most of our items we have talked about in
13 his view are still acceptable. In the end, it is all subject to what City Council wants. There are 5
14 other people on the City Council and he is suggesting to the Commission that the Mayor has
15 essentially invited us to push this to the City Council for discussion there amongst those who are
16 more directly accountable to the citizenry. Public input will have even more impact on the City
17 Council because they are elected. Is that something that three of us can agree to, to push this
18 forward to City Council? We obviously will have a Public Hearing. That is the process. These
19 issues are keyed up and ready. The public is clued in to these issues, more so than ever before,
20 and this discussion will continue there. That is probably where it ought to be. We started down
21 this path last meeting to try to come to a consensus on things. Most of what has been proposed
22 here we can agree to, and there are just a few things to discuss. He would like to reference the
23 material that Commissioner Doug Clifford emailed to the Planning Commission and he agreed
24 with most if not all of what he stated there. Do we have another Commissioner in agreement to
25 use that as a basis to our decision and move forward? We can't keep spinning our wheels on this.
26 We have to move it forward. **Commissioner Doug Clifford** stated that we are very close. He has
27 not seen an outpouring of public sentiment to this degree, and there is a lot of people passionate
28 about this subject. It generated some great input with lots of research into the issue. The Night
29 Sky concept does not mean we are trying to pass the Dark Sky Initiative. That is not what we are
30 doing here. A lot of people commenting to us were thinking we were throwing it all out or trying
31 to buy into the initiative. We are not. We are looking at our current ordinance to identify things
32 in there that need to be stated more clearly. He likes what we have so far, with a few slight
33 changes. **Dale Coulam** stated that for a point of clarification, the Night or Dark Sky Initiative is
34 really a private 501(c)(3) that has done volunteer work at their own expense. The real concern
35 for some people was going for that official designation. The referral to the Planning Commission
36 was not regarding the night sky designation, nor to remove all references to the night sky that
37 were already existing here or in our General Plan. **Commissioner Lance Anderson** stated there
38 is a lot of good here and on the first page he would like to keep "preserve and protect and
39 enhance the natural beauty of the night sky." There is a few places like that he would like to
40 change. This subject has been passionate the entire time he has lived in Ivins. We need to tweak
41 it a bit and get it to Public Hearing. **Chairman Bryan Pack** stated on the last meeting we agreed
42 to leave that in. The version of the ordinance that everyone received with their agenda was the
43 same version we looked at and doesn't have anything changed that we talked about last week.
44 Just the plasma definition was added. Stuff we agreed to last time should be in there. We will
45 need one more meeting before a Public Hearing. **Commissioner Bob Morris** stated we are not
46 going for designation because that was voted down by the City Council, but there is nothing in

1 this existing ordinance that would disqualify it. This is my point. It is already night sky. 2200
2 kelvin is more strict than what night sky designates. What makes it not already that designation?
3 His point is that it is already in there, and the few small changes he is suggesting doesn't come
4 close to destroying that. We are not taking away a thing. It is still quite kind to night sky, but we
5 are saying let us light our homes and our property to more than 1 footcandle per square
6 foot. **Commissioner Jeff Loris** stated that all of us are doing our best to do what we think is best
7 for the General Plan. When we do get a direction from the City Council to look at anything that
8 may be a change to the General Plan or be in conflict with what the City Council has been
9 working so hard to do, that we receive more specific direction on what City Council wants.
10 Marquee was specific. Yes or no, we researched that and decided it was a bad idea. Leaving it as
11 an open point to look at the lighting ordinance and then asking us to stop talking. In the future, if
12 we receive direction from the City Council that they be specific what they would like us to look
13 at. **Chairman Bryan Pack** stated that we did reach consensus last meeting on the old version,
14 and he did a mark it up and he feels he understood what we did to make sense of it. There are
15 four or five issues which was kelvins, removal of all restrictions from residential and a couple
16 other bigger issues. He proposes that he can take a crack at it this next week and identify those
17 areas where we had consensus and leave the rest of the ordinance as it is, not as an agreement
18 with it the way it is, but then have three of us agree to push this forward to City Council to put
19 this in the realm it needs to be in to tell us yes or no, they want more discussion. **Commissioner**
20 **Lance Anderson** we need to move it to our Public Hearing and then fix it to move to City
21 Council. **Chairman Bryan Pack** stated he would rather do it after we make our
22 changes. **Commissioner Jeff Loris** stated that we are all on same page and we should send it to
23 Public Hearing and if they want changes City Council will tell us as a specific request. Let's
24 move it forward. **Chairman Bryan Pack** stated he wants Commissioner Bob Morris to know it
25 is not anything against what issues he has presented but we need to send it to City Council and
26 let them decide. Punt it to them and get it where it needs to be. **Commissioner Bob**
27 **Morris** inquired if we are just send forward message boards? We got it chewed up last meeting
28 and we aren't done. He is more excited to finish this than anyone else in this room. He has
29 personally answered all emails sent to him up to Sunday. It has to be modernized and for the
30 Mayor to not understand that is a little disconcerting but there are changes in lighting technology.
31 He would like to have our Public Hearing next meeting and get input before we finalize it with
32 details. **Chairman Bryan Pack** stated that he would like to take all our comments and
33 everything we reached consensus on last time and put it into the ordinance. Several things you
34 suggested. We also said no to several things you suggested. Get it into one document and discuss
35 it all one more time. Go to Public Hearing after that and get input from thee and only offer new
36 information if we can request that, so it isn't a ten hour meeting. If there are at least three of us on
37 any particular issue that agree that it is a good idea that we push it forward and let the City
38 Council work with it. **Commissioner Doug Clifford** stated he thinks we could move quickly,
39 but he would caution that we still need numbers. Our job is to develop the measures that support
40 the vision of our General Plan and City and we put those evaluations in there. It would be
41 leaving a huge amount of openness that we don't have numbers and detail for. This needs to be a
42 clear document so people can read it and say they now know what the standards are for my
43 community and my property. **Chairman Bryan Pack** stated that if Commissioner Doug Clifford
44 would highlight those for us and if we still need experts, still recommend to City Council and if
45 they want us to dive deeper, tell us to do so. Then they can decide if we need experts and if they
46 budget money or how that would work. **Commissioner Lance Anderson** stated as much as we

1 don't want to need to hear the same comment again and again, we want to know how many
2 people feel which way or the other. **Chairman Bryan Pack** stated as he conducts Public Hearing
3 we want to hear anybody that wants to speak, but for him, it is more effective to get new
4 information. A public opinion poll doesn't help. He read every email until this last couple days,
5 and they were helpful on both sides of the issue. **Dale Coulam** stated if you are not going to have
6 staff retain an expert, then recommend to City Council the type of expert to be retained and have
7 Staff go through requests for proposals. **Chairman Bryan Pack** stated it may come back to
8 us. **Dale Coulam** stated you shouldn't expect that it is coming back to you. They will either
9 accept, reject or modify it. They can have additional Public Hearings or additional research to
10 what you have done. They have that prerogative to return it to you but it should be up to them to
11 make their decision if possible. Give the best recommendation you can and if you don't know
12 that specific technical number recommend the type of expert needed for that to help get them that
13 number. **Commissioner Lance Anderson** stated we should do all the due diligence we
14 can. **Commissioner Bob Morris** stated he agreed wholeheartedly with Commissioner Doug
15 Clifford's letter. Do you feel we can push this through with only the reader board, lighting
16 changes and the grandfather clause? **Commissioner Doug Clifford** stated we are dealing with a
17 subjective issue. Lighting is in the eye of the beholder. He wishes there were national or
18 international standards to fall back on. He will go through and see if we can add measures to give
19 teeth to it but it is subjective and hard to narrow down. **Commissioner Bob Morris** stated that
20 unequivocally, the ordinance needs to be modernized, and it is already a night sky
21 ordinance. **Commissioner Lance Anderson** stated that lighting is in the eye of the beholder, but
22 that is why we have a General Plan and people have the right to say this is what we want. That is
23 what the majority wants. That is why we have Public Hearing and we get a little sample of what
24 people want. **Chairman Bryan Pack** stated whatever we send forward to the City Council will
25 be under the umbrella of the General Plan and he will see if there are any areas where we are
26 straying. **Commissioner Lance Anderson** stated we always go back to what is our intent and
27 then the General Plan covers that intent. If it meets Dark Sky designation it doesn't matter
28 because that never existed before this ordinance. We need to quit talking about the Dark Sky
29 Initiative. It has nothing to do with what we are trying to achieve. It is about what the beholders
30 want and what is best for the General Plan.

B. [Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for December 15, 2020.](#)

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for December 15, 2020.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

5) REPORTS

A. Planning Commission

Commissioner Lance Anderson stated that the name was Carol Kensar and George Elwell that originally worked on the night sky ordinance.

B. Chairman

C. Building and Zoning Administrator, Mike Rodriguez

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

6) ADJOURNMENT

MOTION: Commissioner Lance Anderson moved to approve ADJOURNMENT

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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