

**IVINS CITY
PLANNING COMMISSION
MINUTES
August 17, 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 Jeff Loris, Commissioner Bryan Pack, Commissioner Bob Morris, Commissioner Lance Anderson, and Commissioner Doug Clifford.

Staff Attending: Dale Coulam-City Manager/Attorney, Cody Mitchell-Building and Zoning Administrator, and Sharon Allen-Deputy City Recorder.

Audience Attending: Harold Young, Creig Paskins, Pamela Gardiol, Rich Svien, Claudette Larsen, Sharon Barton, Shaun Perkins, David Case, as well as others who did not sign in.

A. Acknowledgement of Quorum

B. Flag Salute--Chairman Jeff Loris

C. Invocation--Chairman Jeff Loris

D. Disclosures

Commissioner Lance Anderson stated that he has a conflict with Item 3F of the agenda. No other conflicts.

2) REPORTS AND PRESENTATIONS -None

3) PUBLIC HEARING AND ACTION ITEMS—

A. Public Hearing on proposed amendments to Chapter 16 of the Subdivision Ordinance regarding Exterior Colors.

Dale Coulam stated it has been debated for a couple meetings the issue of exterior colors and in our ordinance there are a few ways to define that. One is LRV, light reflective value, and that has really been the focus of a lot of the discussion. There is a range of 7-38 and that means nothing unless you look at a color swatch on the back and see what LRV is. The discussion was split last meeting 2/2 with the desire to move it forward to public hearing and see what the public has to say about it. Our options are do we change the range of LRV and make it broader for some additional colors, do we throw it out entirely, or do we leave it alone? That is the issue tonight. We are trying to define what that is. The State passed House Bill 1003 which de-regulated exterior colors unless it was stated in a development agreement. We enforce the development agreement and CCRs are enforced by a HOA. Some subdivisions already have a development agreement. It was always required with a phased development agreement. Council may take action to say that all subdivisions require development agreements from here on, where we can address the issue of colors and guidelines that were basically banned by that House Bill.

Commissioner Bryan Pack stated that the City would have to be giving something to a developer in order to consider these types of restrictions or would we impose them as if it was an ordinance in the development agreement? **Dale Coulam** stated it would be negotiated with the developer. If a developer doesn't want to sign it, then we cannot impose it without offering some other consideration. **Commissioner Bryan Pack** stated that we would have to convince them with maybe density, or some other benefit to them. **Dale Coulam** stated some developers already agree with our design guidelines and exterior colors so there is no issue, with others it may be an

1 issue and would have to be negotiated. Rather than an absolute prohibition against regulating that
2 at all, it gives us a chance to have a conversation with them. **Commissioner Bob Morris** stated
3 in the Pendleton's case, if they wanted to subdivide and allow a child to build a home over there,
4 they would have to do a development agreement? It really skirts the State all the way down to an
5 individual homeowner. **Dale Coulam** stated yes they would do a development agreement. It
6 brings them in to negotiate. **Commissioner Lance Anderson** stated that the State skirted us in
7 the name of affordable housing. The State is trying to affect us and change our lifestyle after 20
8 years. Who skirted who? It is our neighborhood. They have imposed this upon us and we should
9 have a right to determine it as a community. **Chairman Jeff Loris** opened the Public
10 Hearing. Sharon Barton lives on Mesa Vista and she thought this was about several amendments
11 being made, but it sounds like it is only one specific one, which is Light Reflective Value, or just
12 color in general. **Dale Coulam** stated there are a couple other elements that are more subjective
13 to determine color, the Light Reflective Value is objective. That is where most of the discussion
14 has been focused on. Sharon Barton stated she believes what we can keep in our current
15 ordinance that will protect our General Plan which states that we will promote the natural
16 surroundings and currently the Light Reflective Value is a good specific measurement that
17 makes it easy to select a paint color. We have painted two homes and we were happy to refer to
18 16.19.103 5a which says refer to colors that are earth tones and muted colors that blend and do
19 not contrast. We followed the Light Reflective Value. We submitted paint chips to get them
20 approved and it was not hard to do and it made certain that we were being good Ivins community
21 members and following the guidelines put forward. If light unmuted colors are permitted, it will
22 change the value and specialness of Ivins and it is not part of the General Plan. In the General
23 Plan it states that it is the intent of the Planning Commission and City Council to create
24 consistency between the General Plan, ordinances and policies. Going forward she is concerned
25 that using lighter, unmuted colors that fall outside of the current regulations are approved, that it
26 would seem that the General Plan needs to be revised. If that is the case, it would need strong
27 public input and communication from all of the Ivins residents. Pam Gardiol lives on Snow
28 Canyon Drive and stated that we have all referred to the General Plan and understand the
29 significance of it in the development of Ivins. What do we want Ivins to be is referred to by the
30 General Plan. Goals, objectives and policies on Page 13, taken separately, the decisions we make
31 may not seem related, however the cumulative effect of such decisions has a significant impact
32 to the community and the quality of life of its residents. Under General Plan supportive
33 objectives on Page 13, Natural Settings states preserve the natural beauty and vistas. There is a
34 development against the mountain that is so indigenous, so beautifully done because of the
35 colors and the architecture, it becomes invisible. Next it states assure that the development
36 patterns and building scales reasonably preserve the City's natural settings. How does paint
37 change that? Under Unique Identities Supporting Objectives it states guide development in a
38 manner that enhances the City's appearance. Not just in a neighborhood, but the feel we have as
39 an entire community. Protect scenic vistas is said over and over again. Page 15 Residential
40 Supporting Objectives it states encourage residential design that complements the natural beauty
41 and character of the area. Colors that blend rather than fight with nature. It is such a beautiful
42 area. Chapter 4 has Natural and Cultural Resources, Page 18. Scenic, Natural and Regional
43 Policies. Capitalize on the uniqueness of the environment and protect that environment and
44 harmonize development and design with it. General Land Use Policies states all zoning and other
45 land use decisions shall be consistent with the General Plan. The last bullet is Innovative Urban
46 Planning, should be used in all zones to protect, enhance and blend development with the unique

1 and natural character of the area. She would pose that any assessment of color for the structures
2 in our community be only the best practices, because we are the best. Shaun Perkins stated she
3 lives in The Springs and has been a resident for a few years and loves the red rock and her heart
4 belongs here. As she drove down Snow Canyon Parkway and saw the rounded stucco edges, her
5 first thought was that these people know what they're doing. They have an essence and it was
6 fabulous. The first roundabout, those two split rocks and the horses and the Indians just take your
7 breath away. Look at the vistas on the left that will soon be covered by Black Rock development
8 and she just had to buy something here. We are very happy here. We love this community. She
9 has only been to one Planning Commission meeting, and it stressed her out to see and feel like
10 we are losing the essence here. People have the freedom to build what they want, but we have to
11 be careful or we will lose that beauty a little chip at the time. We all have different ideas and she
12 appreciates that, but we need to take things on an individual basis. She notices that there are
13 older white houses but as we plan and move forward, it is good to have rules. Loosening the
14 rules will create ugliness. The orange groves in California where she grew up is now called the
15 concrete jungle. It is a horrible place to be and built to the hilt. It is ugly. She has traveled in her
16 life and on the shores of England they have pastels and they are beautiful, but they also have blue
17 skies and the ocean to temper that. We don't. Utah has geology unlike any other in the world. We
18 need to be very careful or we will overstep our bounds. Do things slowly and carefully and with
19 thought. The cinderblock walls coming up on Center Street look like a prison. That was her first
20 thought. Black Rock belongs in Florida was her initial shock and just seeing where things are
21 getting whittled away. She wants to suggest caution and we have such a beautiful area here.
22 Good luck. Lorrie Morris stated she took a vacation to Santa Fe and she thought it was ugly and
23 that she would never want to live in a City like that. It is so boring and all the same. It was just
24 ugly. Now she sees her City is now becoming the same. The City is undermining the new State
25 law freeing citizens from the strong hand of the City's required stringent policies. The State
26 would not have had to do what they did if cities weren't being so strong-handed. She disagrees
27 with requiring Light Reflective Values, but if we require Light Reflective Value and have these
28 stringent standards, the City is going to have to put in a lot of effort to educate residents that are
29 repainting their homes. It will require education. Light Reflective Value is not being enforced
30 evenly. It would require the City to purchase a meter to allow our inspectors to even-handedly
31 make us do what they want us to do. Right now, it is all willy-nilly. Who wants a tan boring city
32 anyway? When she moved here 26 years ago she painted her home a beautiful cream color and
33 after 10 years when it was pink and red sand stain, it was repainted tan that didn't show the red
34 sand. We should have the freedom to paint our house whatever color we want. Hearing no
35 further comments, **Chairman Jeff Loris** closed the Public Hearing.

B. Discuss and consider recommendation of proposed amendments to Chapter 16 of the Subdivision Ordinance regarding Exterior Colors.

36 **Commissioner Bob Morris** stated we have a Light Reflective Value requirement and people
37 don't know about it. If my son had picked the color he was going with and he hadn't been on this
38 Council, he would not have known about it because he picked a very light color. Giving this kind
39 of power to people with unequal enforcement is stringent on property rights. Bringing in a paint
40 chip with the Light Reflective Value on the back of it is not necessary. The other language is
41 fine. Without a meter Cody Mitchell has been having to make that decision. Ence apartments
42 aren't the right Light Reflective Value. There are all sorts of things he sees that he hears are not
43 allowed. Asking people to tear stone off houses, to change colors, asking them to re-stucco,
44 when these are just innocent people getting a color they think looks good. **Chairman Jeff**

1 **Loris** stated that when this conversation started Cody Mitchell asked how can we enforce this.
2 That comes down to instrumentation. There has to be something. If we leave it along and we
3 change nothing and keep the Light Reflective Value the same way, or change the color spectrum,
4 there still has to be enforcement from the building official. There still has to be some
5 instrumentation or some way to verify that color from what was submitted and what was actually
6 put on the building. There has to be a control. He appreciates the comments tonight about
7 controlling the color and making sure we keep our community beautiful. Building officials needs
8 the ability to enforce it. He does not think Tuscano has the color of scope of what is required
9 here. In 1998 when we became a City women and gentleman took the time to take care of the
10 area and the hard work they did to develop these colors and Light Reflective Value limits. He
11 really appreciates what they've done. He does not have a problem allowing the scope to change
12 from 7 to 38, but he wants to be able to help the building officials keep in line with what we are
13 supposed to have. Get the Light Reflective Value instrument or get the building officials
14 some kind of enforcement ability. **Commissioner Bryan Pack** stated this is a tough one, because
15 on a personal level he would not paint his house white. He prefers the natural colors that none of
16 us have threatened to take out of the code and none of us have said anything different. From his
17 perspective it is solely because of the outcome in his neighborhood based on the Light Reflective
18 Value only, that feels draconian and that government has overstepped its bounds. When someone
19 wants to paint their house a very nice white and are prohibited from doing that simply because
20 the Light Reflective Value was too high. That feels like an overreach of government.
21 Government control is proper in many different areas. He likes the variety of colors in his
22 neighborhood, but he suspects many are not legal or in accordance with the code. That we could
23 make them go paint their houses again because they are not colors in accordance with the code.
24 On a planning level, the State has already created the outcome he would prefer, that the City
25 does not have much regulatory effect directly over individual lots. He is not too concerned about
26 what happens in Multi-Family or Commercial settings or developments that use color restrictions
27 in their CCRs. That is perfectly fine in his view. People know what they are buying into in that
28 situation. He is on the fence. He wonders if taking out the Light Reflective Value is too much.
29 He does know we have to do something to move this forward. **Dale Coulam** stated that he needs
30 to clarify that Commissioner Bryan Pack's development was before Light Reflective Value. It
31 would be grandfathered in, so to speak, and they can maintain what they have. Phase 5 got taken
32 away from the Property Rights Ombudsman to review because of House Bill 1003. We never did
33 get a final answer on that because it was moot. **Commissioner Bryan Pack** stated that the blue
34 house built in the last few years seem to be greater than the Light Reflective Value. **Dale**
35 **Coulam** stated he would think it was grandfathered in. **Commissioner Bryan Pack** stated the
36 outcome he is in favor of is already there with what the State has done. Personally, he is
37 satisfied. This is better regulated on the CCR and HOA level than the City level. The City is big
38 enough that he thinks we can be inclusive of people that enjoy different aesthetics.
39 **Commissioner Doug Clifford** stated that he agrees with a lot of the comments we heard from
40 the general public. If we don't maintain some measure, objective not subjective measure, and
41 Light Reflective Value is it, which is unfortunate. As mentioned, part of the special feeling of
42 Ivins is that we do try to blend with our environment. Things that stand out, take away from that
43 and draw attention to things that are against our General Plan. If we do whatever people want,
44 get rid of the General Plan because it has no value. We would be saying one thing, but not
45 following it. For the most part this is subdivision-related and they can have their own rules and
46 laws. CCRs and design guidelines for subdivisions will still hold. We have had several people in

1 our subdivision have to repaint because it didn't meet the CCR's for our community. If we open it
2 up and have no control or measures in place, the General Plan and the overview would have to
3 be rewritten. If we keep the verbiage in there, we need to show a measure. Light Reflective
4 Value is not a good measure but it is the only one. John Deere green may fit the Light Reflective
5 Value but would not match the theme of the City. We are fighting an uphill battle because the
6 State is going to open up and we could possibly get sued if we try to enforce these restrictions
7 against the House Bill. The theme falls back into the subdivisions where local CCRs will hold
8 them to that and they will have that capability. If we want to keep the theme we need to find a
9 measurement of the Light Reflective Value even though it isn't great, and maybe relax it a little
10 bit to allow lighter colors. Leave the General Plan and Light Reflective Value and maybe relax it
11 a bit and try to maintain the theme of the City. **Commissioner Lance Anderson** stated that when
12 we talk about CCRs and subdivisions, everyone borders another. People feel good about building
13 here because of our rules and regulations. He has been here 18 years when it got started in 2005.
14 This isn't something new. It has been here for all these years. Do we really want to change the
15 General Plan? Light Reflective Value is only one filter to judge off of. It doesn't deal with the
16 muted colors. We don't want a white building in the lava field. The General Plan is very specific
17 in what it is explaining. We keep talking about property rights and freedom. We need to know
18 the rules in order to live and work in this community. Light Reflective Value wouldn't be on a
19 paint chip of every manufacturer if we were the only one worrying about it. It is a guideline.
20 Then we have filters to get the end result. When you move into a community, you follow their
21 rules and rights that those people have vested their lives in. Pleading ignorance is not an excuse.
22 You should be asking anyway if you want to redo your house. Vesting is interpreted in different
23 ways and he would like to still know what the Ombudsman says. We use vesting to try to figure
24 out what subdivisions are required to comply with which ordinances. Why are we even touching
25 it? This is all we are affecting right now, because of the State taking our rights away as a
26 community and under-handed us. Let's at least hold onto subdivisions and townhomes and
27 apartments and the big massive buildings. As a community, we choose our property rights based
28 on our General Plan. If we go away from the color scheme we have chosen since 2012, we need
29 to go back and see if we want to change our General Plan. He is surprised there are not more
30 residents at this meeting. He knows there are more than 9 people that care. **Chairman Jeff**
31 **Loris** stated that in the General Plan it talks about natural environment and settings and the
32 environment of the area. What is the scope of that natural environment? Is it City
33 limits? **Commissioner Doug Clifford** stated it is the setting of the City. It is looking around our
34 area, our visual and what we see. **Chairman Jeff Loris** inquired and do we see white
35 here? **Commissioner Lance Anderson** stated we have white here, but encourages the natural
36 surroundings. It says natural settings of the General Plan encourages architecture, lighting and
37 landscaping and the use and colors that blend with the natural surroundings. So if he goes out to
38 Entrada and sees the houses that they put in the lava fields, they are charcoal, black, browns, and
39 dark greens and that's because they fit in the natural setting there. Kayenta has red rock and
40 Sentierre has red rock. If he puts white houses against our red rock, and light them up, people
41 would all complain to him. We have guidelines and we can't hit it 100 percent absolute, but it has
42 been working for a lot of years. **Chairman Jeff Loris** stated to recap, Commissioner Doug
43 Clifford stated he is okay with loosening the limits of the Light Reflective Value and
44 Commissioner Bob Morris is in favor of throwing it away or if it is kept, enforcing it.
45 Commissioner Bryan Pack is in the middle. Commissioner Lance Anderson stated he wants to
46 keep it as it is. No changes. **Commissioner Bryan Pack** inquired what the Light Reflective

1 Value of the Ence home was? **Cody Mitchell** stated it is Sailcloth, with a Light Reflective Value
2 of 73. **Commissioner Bryan Pack** stated there is not much difference with that color and many
3 other houses in other subdivisions. **Commissioner Doug Clifford** inquired about accent
4 colors? **Cody Mitchell** stated it is a Spanish-style with a high-profile tile roof and rough-cut
5 timber. It is pretty in his opinion. **Commissioner Bryan Pack** stated if we loosen to 73, the
6 Light Reflective Value almost becomes pointless. If it fits in that environment, why don't we
7 allow it? **Commissioner Lance Anderson** stated that it fits in that environment because people
8 were doing it before it was not allowed. People complain and it gets enforced. The City is not big
9 enough to catch everyone and find every problem. **Commissioner Bryan Pack** stated if it works
10 in my neighborhood, why prohibit it? He understands natural colors and it is within the General
11 Plan and no one is attacking the blending our natural environment concept. It is very subjective
12 but Light Reflective Value is not a good measure, either. Blending with natural environment is
13 the more important measure to him, but Light Reflective Value becomes a measure without
14 meaning if we look at houses that look great and fit and we are prohibiting it. **Commissioner**
15 **Bob Morris** stated we are a City for people to come and live. He looks out his front door and
16 sees duplexes. We are a City and we have to get used to it and accept it. **Commissioner Lance**
17 **Anderson** stated right. In a manner in which they all agree. **Commissioner Bryan Pack** stated a
18 City needs to be as inclusive as it can be within bounds. **Commissioner Doug Clifford** inquired
19 how can we make Light Reflective Value a condition and if it goes outside of the range, almost
20 negotiate and make it a conditional use? **Commissioner Bryan Pack** stated that would render
21 Light Reflective Value meaningless if you go that high. **Commissioner Bob Morris** stated let's
22 vote up or down on the Light Reflective Value and send it City Council. They will make the
23 decision. It may be our job to figure it out, but he has been listening intently, and we won't ever
24 figure it out. It is either no Light Reflective Value and he no one else wants to change anything
25 else. No one else has voiced concern that we should take away language that states make your
26 house look like the rest of the neighborhood. If there is already a bunch of white houses in your
27 neighborhood, congratulations, you get to paint your house white as well. He is fine with the
28 language, but a guy without a meter and a Light Reflective Value that makes John Deere green
29 okay is not something he can buy into. **Commissioner Lance Anderson** stated no it doesn't
30 make it okay. That is just one filter. **Commissioner Bryan Pack** stated he thinks there is a way
31 that to say that there is a Light Reflective Value that is approved and if there was a band that as
32 long as they were muted colors and were not high-gloss we could allow a 73. It is so
33 insignificant. **Commissioner Lance Anderson** stated that they still couldn't do it if it didn't meet
34 surrounding colors. Tonight we are voting on townhomes, condos and development agreement.
35 Why change it? The State took away rights to control single family homes. Let's keep it where it
36 is so we don't wind up with a level of white apartments on Snow Canyon
37 Parkway. **Commissioner Bryan Pack** stated on a bigger project, he tends to be it should be
38 more restrictive. It isn't an individual homeowner and the color of their castle. **Commissioner**
39 **Bob Morris** stated development agreements allow them to keep it from being
40 white. **Commissioner Lance Anderson** stated all we control with this language is
41 commercial. **Commissioner Bob Morris** stated and people like the Pendleton's. **Dale**
42 **Coulam** stated if the development agreement ordinance passes, it could be negotiated. **Cody**
43 **Mitchell** displayed the color board. The top color had a Light Reflective Value of 20 and the
44 bottom color on the board is 37. Sailcloth is 72. We don't have issues with the bigger contractors
45 doing this. The issue is when people buy that don't know that their contractors were on board
46 with this. House Bill added confusion, wondering whether it was going to be signed and how it

1 was going to read. Contractors were telling clients that the Bill may pass and the City would no
2 longer enforce it, but then it came with the caveat of development agreements, and developments
3 that were developed prior to the ordinance. Introducing it up front and getting the color chips is
4 not a problem. Whichever way you go, he will do his best to enforce it. **Chairman Jeff**
5 **Loris** stated 7 seemed arbitrary but it was well-designed and thought about. We talked about
6 loosening it, but 72 seems awfully blonde. **Commissioner Lance Anderson** stated when a
7 development agreement comes in and we negotiate, if we start at 38, we may get 50, but if we
8 start at 50 we may get 70. The development agreement doesn't guarantee they have to follow our
9 color. We have to negotiate it. We have to give to get that. Higher density at a darker color is less
10 visible than a lighter color. We are working on subdivisions, condos, townhomes and
11 commercial buildings and the development agreement is all negotiation. He would ask that
12 honestly we stay where we are at because the House Bill was draconian, so we can have a level
13 of negotiation when developments come in. **Commissioner Bryan Pack** inquired do
14 development agreements go to City Council? They don't come before the Planning Commission.
15 It would be up to the City Council to approve that. **Commissioner Lance Anderson** stated we
16 are under-handing them when we make it too light. **Commissioner Doug Clifford** stated if they
17 go outside a specified range, then they come in and negotiate. **Commissioner Bryan**
18 **Pack** inquired how the Light Reflective Value works for a blue? The reason it comes under such
19 scrutiny is 38 in a red as opposed to a tan Light Reflective Value. **Chairman Jeff Loris** stated
20 we are back to the point where it is subjective. We have to consider where it fits in with the
21 General Plan in the City and in its natural environment. **Commissioner Lance Anderson** stated
22 Light Reflective Value is just one filter. We need to add the others to it. **Commissioner Bob**
23 **Morris** stated ditch the Light Reflective Value. **Commissioner Bryan Pack** stated there is some
24 validity to the argument because Light Reflective Value is just an arbitrary number when talking
25 about grays and tans. What if for commercial and Multi-Family we leave it the way it is, but to
26 start with development agreements for residential we go up to 72. That is fully in line with the
27 General Plan. **Commissioner Lance Anderson** stated he would have to say no it is not. He
28 would have to disagree. **Commissioner Bob Morris** stated you can't get to a 100 Light
29 Reflective Value with the language of the next two steps. No we couldn't. So lose the Light
30 Reflective Value. As long as we are not going to make people restucco their houses, he is on
31 board. Two homes have been repainted. **Commissioner Lance Anderson** stated two homes out
32 of 9000 people. **Commissioner Bryan Pack** would like to table until October meeting so he can
33 think about this. He will start the next meeting with a motion. He is not ready to make a decision
34 on Light Reflective Value. **Commissioner Doug Clifford** stated Light Reflective Value is a
35 measurement and he is okay with leaving it in as a factor. **Commissioner Bob Morris** stated but
36 it is not a good measurement. There is ambiguity. **Dale Coulam** stated in the development
37 agreement we would say you must comply with Chapter 19 design guidelines. That is what
38 Multi-Family and Commercial have to start out with. Whatever you decide tonight, if it is
39 loosened or stays the same, smaller developers with a one or two house split-off they may say
40 that this is the color we want, and we negotiate it. Larger developers are fine with the color
41 concept we have been doing for all these years. There are one or two that prefer a lighter color,
42 but most developers will sign off with the development agreement that says comply with Chapter
43 19. **Commissioner Bryan Pack** stated a single lot subdivision would come to City Council and
44 say they want 72 and City Council has the discretion at that time to allow it with a development
45 agreement. **Dale Coulam** stated yes because without a development agreement there is no
46 regulation. They can have anything they want. Exterior color may be their only bone of

1 contention, but with House Bill 1003 the design guidelines and architecture of the house, and the
2 exterior colors is all thrown out **Commissioner Bryan Pack** inquired what if City Council says
3 no? **Dale Coulam** stated he doesn't think they can. They'd get sued. **Commissioner Lance**
4 **Anderson** stated they can't. They'd have to negotiate. We are not hurting anyone with a
5 development agreement.

6 **MOTION: Commissioner Lance Anderson moved to recommend leaving Chapter**
7 **16.19.103 of the Subdivision Ordinance regarding Exterior Colors as is.**

8 **SECOND: -1**

9 **VOTE: The motion failed unanimously.**

10 **MOTION: Commissioner Lance Anderson moved to table Discuss and consider**
11 **recommendation of proposed amendments to Chapter 16 of the Subdivision Ordinance**
12 **regarding Exterior Colors until October 5th meeting.**

13 **SECOND: Commissioner Bob Morris**

14 **VOTE: The motion carried.**

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

C. [Public Hearing on proposed amendments to Chapter 16 of the Subdivision Ordinance regarding Accessory Dwelling Units.](#)

15 **Dale Coulam** stated that primary decision here is that a statute was passed that said Accessory
16 Dwelling Units within the primary dwelling that is occupied by the owner, that the attached unit
17 can be rented for more than 30 days. The question is if we want to expand that to detached
18 casitas and allow those to be rented as well and with similar terms? Attached requires a parking
19 space. The main requirement that the State focused on is that the owner of primary residence
20 lives in the home. You lose a little sense of control by going detached because now it is a
21 separate unit on the same lot. This is not for short-term rentals. Long-term rentals mean 30 days
22 or more. **Commissioner Lance Anderson** stated the House Bill says you can rent out an area in
23 your house if it is attached. But who goes in and checks that? This is a good example of laws that
24 are put in place that we all have to live by. Do we want to allow the same type of rentals in
25 detached Accessory Dwelling Units? What does extra parking space means? **Chairman Jeff**
26 **Loris** opened the Public Hearing. Hearing no comments, **Chairman Jeff Loris** closed the Public
27 Hearing.

D. [Discuss and consider recommendation of proposed amendments to Chapter 16 of the Subdivision Ordinance regarding Accessory Dwelling Units.](#)

28 **Commissioner Bob Morris** stated that last discussion all came down to parking and the way
29 Commissioner Bryan Pack wrote the ordinance is that only if someone complains is there a
30 problem. If someone is on-street and it is researched to do Accessory Dwelling Units detached
31 from the house, we are stating that they have to have off-street parking and it will be enforced by
32 complaints from neighbors. **Cody Mitchell** stated single family requires a two-car garage so four
33 parking spots. An additional parking spot is five spots. **Commissioner Bryan Pack** stated what
34 if we say any home with Accessory Dwelling Units can't park on the street? **Dale Coulam** stated
35 the language of the statute says include one additional on-site parking space for internal
36 Accessory Dwelling Units. **Commissioner Lance Anderson** stated if you choose to have a
37 rental in your Accessory Dwelling Unit, you should lose your ability to park in the street. **Dale**

Coulam stated your kids that come home to visit a couple times a month can no longer park on the street? Your tenant has to park on the on-site parking. **Commissioner Lance Anderson** stated now we move the homeowners out onto the street. **Dale Coulam** stated and you don't really know who is parking where. **Commissioner Doug Clifford** stated that why is this different than the internal inside the house? **Commissioner Bryan Pack** stated in his mind they are the same. **Commissioner Lance Anderson** stated we are changing the zoning; it is Single Family zoning and now we turn it into Multi-Family. **Dale Coulam** inquired what if you have basement and a casita and you want to rent them both out? The State says we have to allow the basement, but what if our ordinance allows a detached? **Commissioner Bryan Pack** stated it does limit it to one per property. **Commissioner Lance Anderson** stated the State says you can rent within your own house. We are asking to extend that to Accessory Dwelling Units. The biggest concern was parking. Partying, noise, raucous behavior were a concern, and that is why the homeowner has to live there. **Commissioner Lance Anderson** stated the homeowner only has to live there six months out of the year. You can have someone there unattended. **Commissioner Bob Morris** stated in the Accessory Dwelling Units we could say they have to live there 12 months out of the year. We can make that language. **Commissioner Lance Anderson** stated when or if we do it, we change the zoning throughout the whole City. **Commissioner Bob Morris** stated it has already been changed because anyone can put one in their basement. **Commissioner Lance Anderson** stated not for detached. When you are in someone's house, you are going to act differently. **Commissioner Bob Morris** stated we need affordable housing and allows young couples that can't afford a home to be able to have a home and help the homeowners make that payment. **Commissioner Bryan Pack** stated the Ordinance was the original and not the one he made changes to. That was an oversight. **Commissioner Lance Anderson** stated that this is not as hot an issue as it was two years ago. **Dale Coulam** stated procedurally we should postpone this and notice Public Hearing. That may bring out public input different than Miriah Elliott's version. Her version was before the statute and so it doesn't conform to that statute. **Commissioner Bryan Pack** stated that Cody Mitchell had concerns on the last meeting. **Dale Coulam** stated he can take a shot at Commissioner Bryan Pack's. **Commissioner Bryan Pack** stated he thinks they have enough information to take exterior dwelling units and treat them like internal dwelling units and clarify the parking issue on street parking and on-site parking.

MOTION: Commissioner Bob Morris moved to table recommendation of proposed amendments to Chapter 16 of the Subdivision Ordinance regarding Accessory Dwelling Units until October 5th meeting.

SECOND: Commissioner Lance Anderson

VOTE: The motion carried.

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

E. Discuss and consider recommendation for and Amended Preliminary Plan for Sentierre, located at approximately 800 Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

Cody Mitchell stated that this is an amended Preliminary Plan. Sentierre is located up Tuacahn Drive. The proposed amended Preliminary Plan consists of 44 single villas homesites, of which

30% of the villas, up to 13, may be subdivided into two adjoining villas. That is also stated in the amended development agreement. The hotel core includes 108,000 sq ft of enclosed space and 45,500 sq ft of underground parking. The hotel features 8 kitchenette suites and 38 studio suites and 16000 sq ft of spa, salon and fitness gym. 8 spa suites, 7000 ft of pool complex, along with quiet adult pool, bar and grill and various garden and courtyard areas as amenities, In addition, 10,500 sq ft event center is being proposed with meeting space, three restaurants, another bar and lounge, and two virtual reality golf simulators. TRC has reviewed the proposed Preliminary Plan and finds it to be in compliance with the zoning and amended development agreement.

Chairman Jeff Loris inquired what was amended? **Dale Coulam** stated that the Preliminary Plan only allowed the first two lots under their development agreement. They had given us a Preliminary Plan and site plan that had two loops, then a version with a "T" and they have gone back to the two loops and the hotel is one big lot. The residential lots are what would be subdivided. Up to 13 of those could be twin homes made to look like villas and made in a way they can be divided with a fire separation wall and can be split off legally. **Chairman Jeff Loris** stated so really they can have up to 57. **Dale Coulam** stated they don't expect to go that high with those models, but they want that ability. **Commissioner Bob Morris** stated these are short-term rentals. **Dale Coulam** stated they are all governed by the hotel site. **Commissioner Bob Morris** stated those houses are considered hotels? **Dale Coulam** stated yes condos and hotel. They can live their full time but have areas they can lock off and rent short-time through the hotel. It is zoned Resort Commercial. **Cody Mitchell** stated the biggest hiccup with this was they couldn't get CO's until they started hotel central according to their Preliminary Plan. In order to generate funds to do the new hotel central, it has forced them to rewrite the development agreement and modify their Preliminary Plan. This is similar to what was there originally but a few less lots. **Dale Coulam** stated these move with the land, so we could see two-story. The height is 35 feet maximum. **Commissioner Lance Anderson** inquired if we get to see the buildings, the colors and architecture and elevations? **Commissioner Bryan Pack** stated City Council signed the amended development agreement last meeting and this is in compliance with the amended development agreement. There is not a lot for us to discuss. **Commissioner Lance Anderson** stated he would like to see the attachments with the development agreement that City Council approved. **Commissioner Bob Morris** stated that it seems backwards. **Dale Coulam** stated they had to approve it that way because the development agreement said they could only approve two lots. We couldn't approve the Preliminary Plan until the Development Agreement was amended.

MOTION: Commissioner Bryan Pack moved to approve recommendation for and Amended Preliminary Plan for Sentierre, located at approximately 800 Tuacahn Drive. Padre Canyon Resort, LC-Owner. David Case-Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

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

F. Discuss and consider approval of Indigo Trails Ph 2-A Final Plat, located at approximately Juniper Way and Wild Indigo Way. AnA Enterprises, LLC-Owner. Lance Anderson-Applicant.

1 **Commissioner Lance Anderson** recused himself. **Cody Mitchell** stated that this is the East
2 phase of Indigo Trails. Five lots on 3.289 acres, zoned R-12 Single Family and this is a
3 conventional subdivision. The proposed improvements are in compliance with City ordinances.
4 **MOTION: Commissioner Bryan Pack moved to approve Indigo Trails Ph 2-A Final Plat,**
5 **located at approximately Juniper Way and Wild Indigo Way. AnA Enterprises, LLC-**
6 **Owner. Lance Anderson-Applicant.**
7 **SECOND: Commissioner Bob Morris**
8 **VOTE: The motion carried.**

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

G. [Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for August 3, 2021.](#)

9 **MOTION: Commissioner Bryan Pack moved to approve the Ivins City Planning**
10 **Commission Meeting Minutes for August 3, 2021.**
11 **SECOND: Commissioner Bob Morris**
12 **VOTE: The motion carried.**

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

4) REPORTS

A. [Planning Commission](#)

13 **Commissioner Bryan Pack** stated he will be missing the next two meetings. **Commissioner**
14 **Doug Clifford** stated he will be away the second meeting in September if there is
15 one. **Commissioner Bob Morris** stated he received an email from Lisa Rutherford and it was
16 heartwarming and great to get that kind of email, because we don't agree on a lot of things, and it
17 was the same week his company saw they had a one-star rating because of his night sky stance.
18 We have wonderful people and this is a great place to live.

B. Chairman

C. Building and Zoning Administrator, Cody Mitchell

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

5) [ADJOURNMENT](#)

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

23 **SECOND: Commissioner Doug Clifford**

24 **VOTE: The motion carried.**

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

DRAFT