

**IVINS CITY
PLANNING COMMISSION
MINUTES
July 19, 2022
435-628-0606**

1) WELCOME AND CALL TO ORDER

Staff Attending: Dale Coulam-City Manager/Attorney, Mike Haycock-Building and Zoning Administrator, Scott Raine and Sharon Allen-Deputy City Recorder (online).

Audience Attending: Chris Haddad, James Barden, Patrick Manning, Steve Mansfield, Ed Budinsky, Dave Appel, as well as others that did not sign in.

CHAIRMAN AND COMMISSIONERS: The meeting was called to order at 5:30 p.m. All present included Chairman Dave Robinson, Commissioner Pam Gardiol, Commissioner Doug Clifford, Commissioner Bob Morris, and Commissioner Derek Larsen.

A. [Acknowledgement of Quorum](#)

B. **Flag Salute--Commissioner Pam Gardiol**

C. **Invocation--Commissioner Pam Gardiol**

D. [Disclosures](#)

Commissioner Derek Larsen stated that he and a business partner have \$1000 refundable deposit down for Black Desert Resort. He also works with Jon Crockett who has an application submitted on Black Stone subdivision. No other conflicts.

2) REPORTS AND PRESENTATIONS --None.

3) PUBLIC HEARING AND ACTION ITEMS--

A. [Continued Public Hearing regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel. Land use from Low-Density Residential to RC \(Resort Commercial\); and zone amendment from RA-5 \(Residential Agricultural, minimum lot size 5 acres\) to RC \(Resort Commercial\) on approximately 8.444 acres. Enlaw, LLC-Owner. Stephenie Nast-Applicant.](#)

Patrick Manning stated that the purpose for this plan is to keep 18-wheelers off of Snow Canyon Parkway. They will come up Pioneer Parkway to Red Mountain Blvd extension to this area. Then we will have our smaller vehicles go into the resort. This is also the area we have set aside for the Dixie State/Utah Tech Men's and Women's golf facilities. There were a few people last meeting that suggested the location was confusing to know where it was and he took those people on a site visit. They are not here today, so they must no longer be opposing it. **Chairman Dave Robinson** inquired if that road extension will be completed right up front? Patrick Manning stated yes. **Chairman Dave Robinson** opened the Public Hearing. Scott Raine stated there was no one on Zoom to comment. Hearing no comments, **Chairman Dave Robinson** closed the Public Hearing.

B. [Discuss and consider recommendation regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel. Land use from Low-Density Residential to RC \(Resort Commercial\); and zone amendment from RA-5](#)

(Residential Agricultural, minimum lot size 5 acres) to RC (Resort Commercial) on approximately 8.444 acres. Enlaw, LLC-Owner. Stephenie Nast-Applicant.

Commissioner Pam Gardiol stated she was not a part of the Commission when this was first being developed. Why is the zoning being done piecemeal? **Mike Haycock** stated that the project has changed a bit since the beginning but this is for the better getting trucks off of Pioneer, as well as supporting the school's golf program that is in alignment with the Conditional Use Permit that has already been approved. **Commissioner Pam Gardiol** inquired that this is the evolution of the development, then? If we are zoning to align with those, was that the overall zoning strategy when this began? **Dale Coulam** stated that the initial Resort Commercial on Snow Canyon Parkway has always been zoned. They didn't have to do a zone change for the first part of their project. Their Conditional Use Permit document stated that they anticipated 18-wheelers to the south but they did not know exactly where that would be located. The Dixie State/Utah Tech golf team is new so they selected this depression area because it fit their needs very well. That is the reason this area has been selected where they want to do this zone change, to service the University as well as deliveries from Pioneer Parkway rather than Snow Canyon Parkway. They were always planning on avoiding any large trucks entering the project off of Snow Canyon Parkway. They knew it would be along Red Mountain Drive that these 18-wheelers would come off of. This is consistent with their original project. What is new is the University embracing this site and using it as their golf practice area. That seems like a good thing for the community. **Commissioner Pam Gardiol** stated she concurs. The developers are doing a wonderful job. Are the rezones in alignment with the intent of the zoning that was given to the development in the first place? **Dale Coulam** stated yes. There is one parcel they have acquired and are adding to this project that may be incorporated in, and they may ask for its own zoning just on the other side of the Western Corridor. **Commissioner Doug Clifford** inquired what are the anticipated structures going in on this property? Is it a warehouse? **Mike Haycock** stated a place where supplies are dropped off and redistributed for the resort and then also the buildings for the golf program. Patrick Manning stated laundry facilities and cold storage. We have 16 restaurants designed for Black Desert and we don't want all those trucks going in. They all have separate refrigerated systems, so we have delivery there and as needed take them in with smaller vehicles to get to the restaurants. **Chairman Dave Robinson** inquired what structures will the school have there? Patrick Manning stated they will have their short-game facility for practice and indoor men and women's locker rooms, with a gaming room and living room. It is a recruiting tool for the University.

MOTION: Commissioner Bob Morris moved to approve recommendation regarding a concurrent land use and zoning amendment, located at approximately 1500 East Black Desert Drive at the southwest corner of Black Desert Resort that abuts the SITLA parcel. Land use from Low-Density Residential to RC (Resort Commercial); and zone amendment from RA-5 (Residential Agricultural, minimum lot size 5 acres) to RC (Resort Commercial) on approximately 8.444 acres. Enlaw, LLC-Owner. Stephenie Nast-Applicant.

SECOND: Commissioner Doug Clifford

VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE

Commissioner Derek Larsen	AYE
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C. Discuss and consider recommendation of Black Stone Preliminary Plan, located at approximately Main and Old Hwy 91. John and Ellen White-Owner. Jon Crockett-Applicant.

1 **Mike Haycock** stated this is located by Hwy 91 where Red Mountain Blvd meets
2 Hamblin Parkway. They have coordinated with the Hwy 91 project and the Western
3 Corridor. **Commissioner Pam Gardiol** stated that the site plan schematic showed the area
4 outside the wall between the wall and the street. Will that be concrete sidewalk or asphalt
5 trail? **Mike Haycock** stated that the developer has to put in part of the trail system so it will be
6 one or the other. We will have more detail on the construction drawings. Alex Stewart stated that
7 the depiction is a blow-up example of what the landscape could look like. So depending on
8 where you are looking at on the site, it will be either concrete sidewalk or an asphalt trail. That
9 detail is showing along the Western Corridor where it curves around. In that specific area we
10 propose an asphalt trail. **Commissioner Doug Clifford** inquired any amenities planned? **Mike**
11 **Haycock** stated this is not an RM zone. **Chairman Dave Robinson** stated they will have their
12 own detention basin. **Commissioner Pam Gardiol** stated that it mentions a preliminary lighting
13 and landscaping plan. Is the lighting in alignment with the standards for this part of the
14 City? **Mike Haycock** stated yes. Those will also be shown on construction drawings.

15 **MOTION: Commissioner Bob Morris moved to approve recommendation of Black Stone**
16 **Preliminary Plan, located at approximately Main and Old Hwy 91. John and Ellen White-**
17 **Owner. Jon Crockett-Applicant.**

18 **SECOND: Commissioner Pam Gardiol**

19 **VOTE: The motion carried.**

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Derek Larsen	AYE

D. Discuss Moderate Income Housing.

20 **Mike Haycock** stated that last meeting the Commission wanted to know what Staff thought of
21 the different options. We had that attached in the packet so we could discuss it and are anxious to
22 hear the Commission's top solutions so we can get a list together to send on to the City
23 Council. **Commissioner Doug Clifford** inquired if we have any HUD approved or Section 8
24 housing in the City at all? **Dale Coulam** stated we had some self-build housing with Color
25 Country and the townhomes by Ryders that had 2 units/bldg listed as affordable housing. That
26 was done by the owner of the property and through their financing. Whenever we talk about
27 High Density housing, the public has been afraid of subsidies that could become some kind of
28 "projects" type development. The public has expressed negativity about going down that
29 road. **Commissioner Bob Morris** stated last time we tried to solve the problem, when in reality,
30 we are just tasked to come up strategies that would work in helping solve the problem. **Mike**
31 **Haycock** stated that the Commission needs to come up with three and provide the road to get
32 there also. **Commissioner Bob Morris** stated that these are suggestions we are supposed to pass
33 up to the City Council. **Mike Haycock** stated yes and it will be incorporated into the General
34 Plan by City Council. Before October it needs to be sent in and approved by City
35 Council. **Chairman Dave Robinson** stated it is not anything we can solve. There is no solution.
36 We are trying to get closer to what is needed. It will always change and be something we deal

1 with. We need to get our minds together to see what we can do to make it better. **Mike**
2 **Haycock** stated that we need to find common ground somewhere. Staff has tried to stay away
3 from solutions that take extra manpower or costly general fund budget line items on the City's
4 side. **Chairman Dave Robinson** stated one of his big solutions is to annex the ground south of
5 us. The road over there drops down in the valley and it is perfect for being able to do higher
6 buildings in that area and not block views. They could have commercial under residential-type of
7 set up. **Mike Haycock** stated one of the solution choices is to join with other cities or
8 organizations to come up with that type of project. **Dale Coulam** stated Chuck Gillette started
9 this staff report and assigned scores under that first column going from not feasible to a real
10 possibility. So item A for example he rated a 5 and that has been our current strategy and one of
11 the choices we had picked before. He doesn't know that we can solve the problem but we can
12 pick tools because the State is pushing really hard to meet moderate income housing. **Chairman**
13 **Dave Robinson** stated that the high cost of land is the problem.
14 **Commissioner Pam Gardiol** stated perhaps a place to start would be to look at items on this list
15 rated 5 or 4 as these would be the most feasible. She is finding that some of the items that she has
16 to suggest aligns with that. **Commissioner Bob Morris** stated that it appears to him that the 5's
17 are out because we have already done them. **Mike Haycock** stated that there is more you can do
18 with ADU's, like change size requirements or allow an attached garage. If you were to pick it as
19 a solution, we just need a plan to get there. **Commissioner Bob Morris** stated we just need to
20 tweak what's there. Then that is a good one to select. **Chairman Dave Robinson** stated that Item
21 A was a 5 but we could tweak what is there. **Commissioner Doug Clifford** inquired if the State
22 wants us to come up with a scorecard, or do they care what our measure is? In his prior life, he
23 put housing in that was Section 8 and it was fought about by the community for quite a while. It
24 was on a major road and the property had not been used for anything else. It was funded by a
25 government loan and Section 8 housing and it turned out to be a very nice complex and provided
26 needed lower-end housing. Do we want to go in that direction, or just check the box? **Dale**
27 **Coulam** stated choosing three of these is kind of checking the box. But then you have to come
28 up with your plan or strategy to achieve that. Then every year we have to report to the State the
29 progress we are making. There is a scorecard of some sort because we have to report to the State.
30 Your point is well taken. The reports up until now have been oversimplified with no real teeth in
31 it. He hasn't yet studied the new report. It just came out. **Commissioner Doug Clifford** stated it
32 was in the packet but it was bland and didn't say much. Rezoning and accessory dwellings are
33 things we are already doing if we tweak them a little bit. **Chairman Dave Robinson** stated that
34 Item A is a great concept, but where do you do it? **Commissioner Doug Clifford** stated yes if
35 you go to the BLM or whoever owns the property and see what it would take to annex the
36 property, the City would end up owning it. It would be a funded project as far as the land is
37 concerned. **Chairman Dave Robinson** stated he would love to do that annex, but currently
38 speaking, there is nowhere to do that. So Item A looks like low-hanging fruit, but it's actually not
39 because where else do we put it? **Mike Haycock** stated none of the zone changes he has done
40 since he has been here would meet moderate income housing. You may pick that as a solution,
41 but we would need a partner and funding to make it happen. It is a way to do it, but it would take
42 more than just a rezone. Maybe allow studio units, so you are not just talking about zoning but
43 making it so it can be moderate income housing. **Chairman Dave Robinson** Can we technically
44 make annexation happen? We need more space to be able to meet their guidelines and to control
45 the land around us so it doesn't create a problem. It is almost necessary to be able to do what we
46 need to do. **Mike Haycock** stated you would need to get with BLM and other cities, counties and

1 the school district and maybe work on some type of program where they build homes for
2 teachers. That type of program has been very successful with very little involvement other than
3 being part of that team. Those are options on there. We may not be able to do the project you are
4 thinking of but may be able to work with other organizations to make something like that
5 happen. Jurisdictions are finding it hard to move people down here because of
6 costs. **Commissioner Derek Larsen** stated it would not only be a rezone but redoing some of
7 the building codes. Ultimately we have to have more doorknobs per acre to make it affordable.
8 Land is a huge cost. Is there a section of land south of Ryders where that land drops off that we
9 can allow four stories for instance? We have to be creative and look at situations like that to be
10 able to make it. **Commissioner Doug Clifford** stated all these things take money. A lot of
11 comments from Staff on items that weren't feasible was because there was no money in the
12 general fund for it or to have incentives for people to come in and do some of these higher
13 density projects. The most important comment was listed at the very end that asks if it is time to
14 look for a grant writer? We need to tap into the money that is floating around within all these
15 agencies within our US government to make it happen. Either through grant writing or
16 interagency groups would need to be involved in this. He can't believe Washington County
17 doesn't have the same problem. Although he looked it up and there is 21 blocks of Section 8
18 housing in Washington County. It is going to take a partnership or money. Even if we annex
19 property, that's only half the solution. **Chairman Dave Robinson** stated that he knows we don't
20 have the money or the man power but could we hire a grant writer? **Dale Coulam** stated he
21 doesn't know much about it so he would have to look into it. Anyone listening that knows about
22 that, let him know. Maybe Patrick Manning could give us some suggestions. We could look for a
23 grant writer but we would need to do so fast. **Commissioner Pam Gardiol** stated that in today's
24 virtual world, we may be able to find a grant writer that way. Space is irrelevant in today's
25 world. **Dale Coulam** stated that is true, good point. **Derek Larsen** inquired if there was an
26 incentive to build a basement to rent those basements out and draw income off of that as a
27 possible solution? **Chairman Dave Robinson** stated that everything we have talked about is
28 great and we need to work in all of these directions but we have to come up with something here
29 to work towards. **Commissioner Derek Larsen** stated that the three that are 5's are the probably
30 the most reasonable options. **Commissioner Doug Clifford** stated the Staff selected those as
31 well. **Chairman Dave Robinson** stated Item E was a 5 as well and states create or allow for
32 reduced regulations related to internal or detached accessory dwelling units in residential zones.
33 Again, we have already been doing this. Item F is another 5 and it states zone or rezone for
34 higher density or moderate income residential development in Commercial or Mixed Use zones
35 near major transit investment corridors, commercial centers or employment centers and it would
36 fit right into an annexation because it would be right on the Corridor. **Commissioner Doug**
37 **Clifford** stated the extension you would like to do by annexing, if we just turn that into housing,
38 we are exactly in the same spot we are now. But if we were to do M which is rated a 4 states
39 demonstrate creation of, or participation in, a community land trust program for moderate
40 income housing. Somehow we have to get the land out of the cost for the renter or owner if they
41 are selling them. Either by land trust or some other funded agency that is actually supplying the
42 land. **Chairman Dave Robinson** stated that the other 4 was Item B, demonstrate investment in
43 the rehabilitation or expansion of infrastructure that facilitates the construction of moderate
44 income housing. **Mike Haycock** stated we are looking at our impact fee studies in our General
45 Plan for some of those items, so that could actually be easy if we look at the transportation
46 corridors and assume a higher density along those, we could check that box fairly easily. If we

1 have some direction on where to oversize our infrastructure like our water system in areas to
2 provide for possible High Density uses. **Chairman Dave Robinson** stated then we are talking
3 about Hwy 91 and Center Street. **Mike Haycock** stated we also looked during our land use
4 discussion at Red Mountain Blvd, 400 South and 400 West. **Chairman Dave Robinson** stated it
5 is just hard to read through these and see where they would fit for us because we are so limited
6 on space. **Commissioner Pam Gardiol** inquired on Item F, maybe we have limited space, but
7 are there other ways to better use the space we have? **Chairman Dave Robinson** stated that is
8 true yes but if they are basing it on transit investment corridors, it has to be considered high
9 traffic corridors. **Commissioner Pam Gardiol** stated that as the community grows, other
10 opportunities may open up. **Dale Coulam** stated that between Rocky Vista University and Vista
11 School on Center Street, we have always talked about Commercial or Mixed-Use next to Center
12 Street. We don't want big box stores so they would be smaller shops. Right now we have a
13 common owner, so if they turn that into a Commercial center with Mixed-Use on top, they could
14 have shops on the bottom, restaurants, they could do some open space. Not to say it would be an
15 outlet mall, but he was recently at Traverse mall at Point of the Mountain by Salt Lake City, and
16 they had walking corridors with shops on both sides. They had live entertainment and a DJ and
17 that is possible in a Mixed-Use environment. You see a lot of that up North, but not in our neck
18 of the woods as much. It is starting to develop more so in St George. When you put apartments
19 above Commercial, it becomes attractive. We don't have affordable rental places. Those are
20 options. If we think we want Commercial and brought in a Mixed-Use project to bring in
21 affordable housing it would be attractive and a lot of people would enjoy living along a major
22 corridor up off the ground with shops below to watch the happenings of the City. It could have
23 underground parking. It could be well done. We should look at some of these areas and think
24 Mixed-Use. **Chairman Dave Robinson** stated he agrees with what Dale Coulam is saying.
25 There is no nightlife here for college kids but the other half of that is a line of site so we don't
26 end up with too tall of buildings. **Dale Coulam** stated sure, you may need some breaks. That
27 would be an interesting question to pose to the private property rights ombudsman. The day may
28 come when someone challenges our heights and he doesn't know that it would be upheld. He
29 would hate to see only parking adjacent to a major corridor. Bringing the buildings closer
30 violates our fifteen degree view angle. **Commissioner Pam Gardiol** stated that as developers
31 come in, if we discuss what our moderate income housing vision is for the community, then we
32 could talk about how what they are developing, especially Commercial, could help to build that
33 in. In 45 years of living in Ogden watching 25th street turn into a vibrant center, one of the
34 things that happened there was that all the historic structures were on the ground level. They
35 revitalized the second stories of those little buildings into vibrant desirable downtown
36 condominiums and they were sold as start-ups. **Mike Haycock** stated he believes Mixed-Use is a
37 good option that would check off a box for a possibility but you may not have a developer in the
38 next 5-10 years that would have that same vision, but if you made it possible for them to come,
39 then it does provide for that opportunity. If you develop the zone that limits height and density,
40 but gives a bonus towards those to have moderate income housing in it then it gives a developer
41 an incentive. **Commissioner Doug Clifford** stated that he thinks accessory dwelling units have
42 more legs than we have given it. We have a lot of properties in our City that has a lot of extra
43 space. Many of our residents would look happily at generating some additional income. We
44 could try to augment that to make it as friendly as possible to people in order to see more of that
45 develop. It would fill in the dead spaces and provide some affordable housing in a grass roots
46 movement. **Chairman Dave Robinson** stated those are rental units for the most part in that

1 situation. Is there any a certain amount that has to be purchased homes? **Mike Haycock** so you
2 could reduce restrictions on ADU's and that would be done by recommending to City Council
3 how to change those standards, like allowing larger than 600 feet so they would be more than
4 just studios. If we are trying to attract a teacher, they may have a couple kids and be looking for
5 something bigger as a rental until they can transition into a house. **Chairman Dave**
6 **Robinson** inquired if we are trying to look for affordable housing in houses to buy? Or just to
7 rent? Or is there some combination that we need to come up with for the two? Is there a goal
8 between rental versus ownership? **Mike Haycock** stated both. Either one has an income you
9 have to be able to meet. **Commissioner Doug Clifford** stated it would be cool to be able to have
10 a developer come in and do ADUs that are around 80k and be able to start marketing that in
11 some of these big garden backyards that aren't being used for anything and incentivize them in
12 some way to do it. **Chairman Dave Robinson** stated with our current standards, in his backyard
13 he would not be able to fit a mother-in-law residence in his backyard. That is something we
14 would have to look at changing. **Commissioner Bob Morris** stated that is one of the regulations
15 we would need to relax. Patrick Manning stated if you deliberately take a look at your land use
16 plan and where some of these types of things would be ideal, and then the City could approve in
17 those areas used for this particular product, and also go to the County and School District and try
18 to get a Community Reinvestment approved so that they are all participating in being able to
19 make this affordable so that they don't have to have the rents because you are not paying as much
20 for the infrastructure. Black Desert needs some, and they have to be part of the solution, although
21 he doesn't know how to build cheap enough housing to make it pencil out to even break even.
22 **Dale Coulam** stated that by using some tax incremental financing the School District would
23 participate in the housing for their teachers. Not necessarily buying the property, but agreeing to
24 a lesser portion of the income tax in order to fund the housing units. **Chairman Dave**
25 **Robinson** stated that again though, would mean having a person on Staff to be able to
26 coordinate. **Mike Haycock** stated if the cost is shared between the School District and other
27 cities, the funding would be less because it is a shared program. It would just be getting all the
28 Mayors together for a sit-down and saying we all have the same problem. Even if you haven't
29 come to a solution, you will have checked your box and gone through your plan to make that
30 happen. Even if it wound up not being affordable you would have done something that could
31 turn out to be an awesome project everyone benefits from down the road. **Commissioner Doug**
32 **Clifford** stated that the State is excited about Accessory Dwelling Units, so let's get really
33 excited about it and make something happen there. So he suggests Item E as one of the three
34 selections. Item A could be the second one. That is no-brainer to show where we are trying to
35 zone. **Commissioner Bob Morris** stated that we need an actual affordable housing committee to
36 handle this and pursue some of these grants and other great ideas that we have heard
37 tonight. **Chairman Dave Robinson** stated that the third selection needs to be one of these bigger
38 projects that we have been talking about so we get our foot in the door to working on one of
39 these. **Commissioner Pam Gardiol** stated that she suggests Item F to be the third
40 selection. **Commissioner Bob Morris** stated he thinks that is great. He didn't understand that we
41 could expand on ADUs so if we can lessen the footage or anything that would be great. That is
42 what they accomplished when he was the Affordable Housing Committee Chair. **Chairman**
43 **Dave Robinson** stated that A is more for density and F is actually rezoning some of these
44 areas. **Commissioner Bob Morris** stated he likes the teacher idea, as well as 55 and older. If we
45 get affordable housing for senior citizens we won't have the raucous parties. **Chairman Dave**
46 **Robinson** stated he is okay with this being a lively area because he wants kids to live

1 here. **Commissioner Pam Gardiol** stated maybe we could have a fourth one as an alternative
2 and she would recommend Item T, which is ratify a joint acquisition agreement with another
3 local political subdivision for the purpose of combining resources to acquire property for
4 moderate income housing. **Chairman Dave Robinson** agreed. **Commissioner Derek**
5 **Larsen** inquired where the Affordable Housing Committee has left off? **Commissioner Bob**
6 **Morris** stated that he retired after his year and he doesn't know that they have replaced him with
7 anyone. **Commissioner Derek Larsen** stated that maybe we can suggest to the Mayor that they
8 revitalize that Committee to work on some of these problems. **Mike Haycock** stated that he will
9 put these items in paragraph form and we can look it over one more time before going to a Public
10 Hearing. **Commissioner Bob Morris** stated that one member of the Planning Commission is
11 supposed to be on the Affordable Housing Committee. **Dale Coulam** stated he will send the
12 Mayor an email about revitalizing the Committee.

E. Discuss Short Term Rental Ordinance.

13 **Mike Haycock** stated that last meeting they ended with working on a recommendation to
14 dissolve the Short-Term Overlay and suggest to Council that they have a business license
15 program installed. He had presented an option to use Resort Residential rather than an Overlay.
16 Do we want to eliminate that or proceed with that as part of the recommendation?
17 Councilmember Mike Scott had sent you an email that stated there were things he did not like
18 about the Short-Term Overlay so the discussion was to do away with it. Do we want some sort of
19 Resort-Residential options, away from other neighborhoods, as part of the
20 recommendation? **Chairman Dave Robinson** stated he is not sure what we would gain from
21 that. **Mike Haycock** stated that right now you have some commercial options in resort areas.
22 You don't have a place specifically for VRBOs where they are under a contract, the area is
23 controlled by an on-site management or HOA for garbage, parking and the streets. **Chairman**
24 **Dave Robinson** inquired if it was an either/or situation? **Commissioner Doug Clifford** stated
25 what you would like to do is get away from the Overlay and let people apply for their business.
26 But if you have an organization like Black Desert that has a whole section they are going to do
27 that way, they might manage it differently and that is a whole other animal. There is a
28 commercial version and an individual version of it. **Dale Coulam** stated that on the SITLA
29 parcel, he favors the central on-site management, and that it be considered a horizontal hotel.
30 That is too big of a project. They estimate 30-50% would be Short-Term Rentals. **Chairman**
31 **Dave Robinson** has studied this and what he has found is there is less crime in the VRBO
32 individual home settings than there are in general housing. If we had problems with that in the
33 past, were they licensed? **Dale Coulam** stated but they did it illegally anyway. And we are not
34 allowed to use the internet to see if they are advertising as a Short-Term rental so we have to
35 catch them in the act through other means, which is difficult to do from a code enforcement
36 standpoint. Whether they are violating an ordinance or licensing, either way they are violating an
37 ordinance, doing it intentionally and getting away with it and not paying the taxes. **Chairman**
38 **Dave Robinson** stated that he would like to make happen. **Dale Coulam** stated with SITLA and
39 the Sentierre project, not all of them have to continuously have all of their lock-offs in the rental
40 pool. They can come live there because they own the house and then rent it out on a nightly
41 basis. **Chairman Dave Robinson** stated so we have the individual, which would need to be
42 licensed with the City, but within a Resort Commercial or a Resort Mixed-Use, it would have to
43 be run through their central booking. **Dale Coulam** stated correct and for something as big as
44 SITLA he would personally favor on-site centralized booking and management. Maybe adding
45 that into CCRs needs to be part of their project plan. **Commissioner Pam Gardiol** stated she just

1 wants to confirm that Resort Commercial ensures that the City can enforce those ordinances
2 because her experience has been that they are being violated with no way to enforce them. **Dale**
3 **Coulam** stated that an HOA has more leeway than a government agency because in an HOA
4 word spreads a lot faster within a HOA if someone is violating the rules,
5 potentially. **Commissioner Pam Gardiol** stated that her own neighborhood has a chronic
6 violation. **Commissioner Dave Robinson** stated in his previous neighborhood he knew of
7 several but never had issues with it, they didn't bother him, they never had the cops there, he just
8 ignored it and moved on. On the individual side, he would like to see it not outlawed because if
9 we outlaw it, people just continue to do it. If there is a path to do it legally, and allow the City to
10 be able to collect on that, it seems like there is a path to regulate it. Right now, it is happening all
11 over the City. **Dale Coulam** stated in order to renew their license there has to be some way to
12 prove they paid the transient room tax the previous year. Then he wouldn't have as much
13 objection to it. Right now, they are not paying that transient room tax. **Chairman Dave**
14 **Robinson** stated we need to start collecting that as a City, and there needs to be a fine associated
15 with it if they are operating illegally. **Dale Coulam** stated that right now, individually, it is too
16 small for the Tax Commission to get involved. We turned a property into them that we knew was
17 operating illegally and not paying taxes, and they didn't have the manpower to pursue
18 it. **Chairman Dave Robinson** inquired if the City could though? **Dale Coulam** stated we might
19 run the budget dry. Code enforcement costs us more to process than the fines we get out of it but
20 we get compliance. Our ability and power to enforce against Short-Term Rentals has really been
21 taken away from us. **Chairman Dave Robinson** stated that he is suggesting we do both. So we
22 have an individual license and the Overlay is gone. Then we have Resort Commercial that has its
23 centralized on-site management company. **Commissioner Doug Clifford** inquired when Black
24 Desert Resort does theirs, how will they determine who does and does not want to take
25 advantage of overnight rentals? Patrick Manning stated every unit on the project, whether it is
26 single family or a condo has a card reader that changes with every check-in and check-out and
27 then it doesn't work so they come through the front office so we can control it. Then we know if
28 it is an owner or a paying hospitality guest. Our CCRs are HPMA which is our Hospitality
29 Property Management Agreement, and that states that if they rent without coming through us,
30 that they give up their right to access their unit. It is extremely tough because we want everything
31 to be done the right way. We want it to be about the guest experience, and having someone go
32 rogue puts the whole project at risk. **Dale Coulam** stated and then Black Desert pays those taxes.
33 VRBO has agreed with the State Tax Commission and are collecting those taxes now, and doing
34 more in the way of centralized management rather than individuals. Not everybody goes through
35 VRBO. There are a lot of individual ones out there. **Commissioner Doug Clifford** stated we as a
36 City would not have that same leverage as Black Desert. **Chairman Dave Robinson** stated so he
37 would like to allow them within the City as long as they are licensed with the City and there
38 would be some enforcement with that. He understands that could become problematic, but at
39 least that would give us a path to collecting the taxes and know what is going on with those
40 properties instead of it being collected under the counter. That is his opinion. **Commissioner**
41 **Bob Morris** stated that the Short-Term Overlay Ordinance is very specific. There are
42 requirements like having a two car garage and driveways long enough. Those same things need
43 to be enforced in the licensing to show and prove they have those things. There is a lot of teeth in
44 that Ordinance. He doesn't want to get rid of the requirements in that Ordinance. **Chairman**
45 **Dave Robinson** stated yes not every house will qualify in Ivins. There are certain homes that just
46 don't have the parking and accessibility to keep cars off the street. **Commissioner Doug**

Clifford stated garbage cans are a big issue as well. You go to a place that does a lot of renting and you see garbage cans everywhere and they get blown over. That should be a requirement as well, how they need to deal with trash. **Chairman Dave Robinson** stated the owners of an AirBnB or VRBO would want them clean so they will show up or have a clean crew show up to make sure it is perfect for the next guest, or you don't get references and can even get dropped if it is not kept to standards. **Commissioner Bob Morris** stated this can also be part of affordable housing, if people are using any portion of their home as an AirBnB to supplement their house payment. They have a room that they had built for his parents to grow old in and they have both passed, so now they rent it out as an AirBnB and it has generated \$8500 so far this year. That is a \$1200 a month boost to the ridiculous price of \$3000 a month payments that people are paying now. He doesn't know how people are doing it. We can tell the State that we reduced this Overlay so that people can supplement their house payment by allowing guests to come here. Tuacahn is a big draw, and that is what most of the people that stay in his place come for, is to hit a show and then they are gone. **Commissioner Pam Gardiol** stated she is at peace with these choices. **Mike Haycock** stated that next meeting we will do away with the Short-Term Overlay and Resort-Residential and just have Resort Mixed-Use or Resort Commercial for the options.

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for July 5, 2022

MOTION: Commissioner Pam Gardiol moved to approve the Ivins City Planning Commission Meeting Minutes for July 5, 2022

SECOND: Commissioner Derek Larsen

VOTE: The motion carried.

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Derek Larsen	AYE

4) REPORTS

A. Planning Commission

Commissioner Pam Gardiol stated that she wanted to thank Mike Haycock for gathering these three items together. She had discussed with him the timeline for the General Plan. The second was a strategy for community input. The third was any items that may be included in the General Plan. She has heard differing interpretations on how long our charge is to review the General Plan. She has heard a year up to two and a half years. She just wants to be sure we are deliberately moving forward. In April she went through and listed the things that she sees that we need to talk about and she could wrap her hands around the scope of what they were doing by her perspective. **Mike Haycock** stated that there are many parts to the General Plan. The pressing part is the Moderate Income Housing portion of it. That is due October 1st. At the last City Council meeting, there was discussion about a joint meeting for the General Plan. That is when we will figure out the scope a little better so we aren't just throwing ideas out. He has also asked the Department Heads to go through the General Plan and look at how it affects them, and to come up with any recommendations they may have. It is a slow process. As soon as we take care of the zoning amendment that included the asterisk we can look into it, until then, the car is pushing the horse because it states when to look at the Land Use Plan and notifies people that it can change through application. City Council already has that recommendation. So the timeframe is just understanding what direction City Council wants us to follow and then figure

1 out how to get there. He is not the one that sets how things will go. We set our agendas based on
2 application to comply with the code and show we a processing those. We can add the General
3 Plan to the agenda after those items, but the clearer road is to get everybody's input
4 first. **Commissioner Pam Gardiol** inquired that there is a joint meeting coming between the
5 Planning Commission and City Council then? **Mike Haycock** stated that was suggested. He
6 doesn't know if there will be more discussion first with the Planning
7 Commission. **Commissioner Pam Gardiol** stated that is her concern that if we don't have a clear
8 direction and we are seven months in and are supposed to finish this in a year, we are behind but
9 if we have two and a half years, we could be spot on with the schedule. **Mike Haycock** stated if
10 you rush through it, you don't get good policy. We need the time to discuss it in each meeting
11 and not be here until 10:00 pm each time, so that people don't get frustrated. It will be on the
12 agenda, and it will be discussed, but he can't say a timeframe. He thought the Land Use
13 discussion would have been done in 3-4 months, and they are still working on it, but in the end it
14 will be a good product. **Commissioner Pam Gardiol** inquired that we need to clarify as a
15 Commission what we want to do, so when we have that meeting with the Council, do we take
16 them a strategy so that the work session is as substantive as possible as we move forward on our
17 charge? **Chairman Dave Robinson** stated the last session like that was a waste in his opinion
18 because they just got told what the Council wanted. **Commissioner Derek Larsen** stated that
19 Commissioner Pam Gardiol would like to have community input from the start. He is not
20 opposed to that if you want to set a Public Hearing. **Commissioner Pam Gardiol** stated she has
21 been receiving lots of input from citizens asking when they get to have a voice in where the
22 General Plan is going. The second thing she would like to visit about is the draft survey, public
23 meetings we could have, so that we reach out to citizens who may not normally have a voice and
24 give them opportunities to respond so we can have that as we are crafting the General Plan. **Mike**
25 **Haycock** stated when it is on the agenda we can talk about questions and post them. We can do
26 that at any time on the website. There was some response to the last survey that we did. If we
27 host it ourselves, we don't have to pay a company to do it. **Commissioner Pam Gardiol** inquired
28 if we do it off the website, does that get a response? She realizes we may not get a response from
29 some people even if we dropped it on their doorstep. She wants to look at not only cost effective,
30 but input effective so we get responses from people maybe we wouldn't normally hear from.
31 Could we use Survey Monkey? **Chairman Dave Robinson** stated he suggested push notification
32 but doesn't know the legal aspect of that, or the cost so that every cell phone within Ivins City
33 limits gets a notification. **Mike Haycock** stated he is not sure you want to force people, but if
34 you let people know through their water bill it could give them that opportunity. **Chairman**
35 **Dave Robinson** stated he hasn't looked at his water bill in two years. **Commissioner Doug**
36 **Clifford** stated that this is a republic, not a democracy. Sad to say, a lot of people just don't care
37 and we are not going to get much feedback. **Chairman Dave Robinson** stated until it affects
38 them. **Commissioner Doug Clifford** stated that you want to find the people that are willing to
39 invest time and thought in the process. Treat it as a gathering, propose different solutions and
40 then figure out how to fund it. Some people will like the way we handle it, some will not. You
41 cannot please everybody and we shouldn't even try. We have to solve the problems of the City
42 without making most of the citizens of the City mad. We will get such a variety of input and then
43 we forge based on what we have to do. We have to keep the City safe. **Chairman Dave**
44 **Robinson** stated the technology we have and the use in most people's lives we can look into that
45 avenue. He understand we legally have to post in the newspaper. Are you kidding? He hasn't
46 looked at a newspaper in 20 years. The local newspaper you have to buy an online subscription

1 to even read it. That is not getting to most people. It's our requirement and we meet the
2 requirement but it isn't getting to the people of Ivins. People don't realize what is going on until it
3 affects them. We need to look at a better way electronically in this new age and ability to get to
4 these people. They can then choose if they want to participate or not. A push notification only
5 notifies them there is something to look at within Ivins. That's it. Then they will know that there
6 is something there they might be interested in. That is the big thing for him. He wants the public
7 to know more about what is going on and use our technology to get to them. **Mike**
8 **Haycock** stated that of the three nights of the open house, the percentage of people that showed
9 up to that was nowhere near the majority. We had good attendance and good suggestions.
10 Planning Commission is the heart of the City. You and the Council know the people here and
11 you have those conversations. You talk with them. You are the representative of that majority of
12 the community. He will talk to Cade Visser about some options. He is more sophisticated in
13 those types of communication. **Commissioner Bob Morris** stated that he believes we should just
14 kick it off with a Public Hearing. We can get high tech on how we advertise it. He wants to know
15 what needs to be discussed. Are we changing the direction of the City? Let's have a Public
16 Hearing first for us to hear the concerns. Let's get that at the start so we can proceed with an
17 agenda. **Commissioner Pam Gardiol** suggested that the voice of the citizen meeting be more of
18 a work session. We have several chapters in the General Plan. Invite folks to cluster together
19 about their thoughts related to one of the Chapters so they can interact with each other and we
20 gather that input, rather than one person come up at a time. She would be happy to facilitate such
21 a session. **Mike Haycock** stated so we would like formal and informal. **Commissioner Derek**
22 **Larsen** stated he would be happy even for just an email response to people to get the word out
23 that we are going to review the General Plan and invite them to read it and give us input on how
24 they feel about it. We have elected officials who will eventually see it and it will be their job to
25 say yay or nay. Do an email blitz and have a meeting. Informal meetings like the ones we had in
26 the Park, he spent an hour just listening to pet peeves. That is how the open workshops he fears
27 would turn out. **Commissioner Bob Morris** stated he agrees. **Commissioner Derek**
28 **Larsen** stated so let's do an email blitz and we can all talk to people in our neighborhoods and
29 get people excited about it to email their friends and neighbors in Ivins and read the General Plan
30 to give us your input on what you want to see in the next General Plan and gather that
31 information at the Public Hearing. Let's start hammering it out. **Commissioner Pam**
32 **Gardiol** stated a couple ways then. Read the General Plan. Email us your thoughts. Come to the
33 General Plan meeting. **Chairman Dave Robinson** stated and make sure there is a link to be
34 attached to that. **Commissioner Derek Larsen** stated that a lot of neighborhoods have people
35 who are plugged in to the City. They will also send out texts or messages to people to get people
36 interested. We just need to get the word out. **Mike Haycock** stated so we need to gather the
37 email list. He doesn't know if we have a Facebook page. **Chairman Dave Robinson** stated there
38 are a lot of ways technology wise to reach out to people so they have knowledge of what is there
39 and giving that opportunity. **Mike Haycock** stated to make recommendation to City Council we
40 will have to have a Public Hearing because we would be amending the General Plan. So we will
41 get that announced and look at other way and accumulate a data base of citizens. **Commissioner**
42 **Pam Gardiol** inquired if we have a strategy in place to look at more of this the next
43 meeting? **Chairman Dave Robinson** stated he will go talk to Cade Visser to look at possibilities
44 at the technology side of it. **Mike Haycock** stated right now his assignment is putting in
45 paragraph form the four recommendations the Planning Commission has made for the Moderate
46 Income Housing to go to City Council. That will be ready next meeting. If the Mayor wants to

1 follow through with a joint meeting we will get that set up. **Commissioner Pam Gardiol** stated
2 she will visit with the Mayor and report back. She encourages everyone to read the General Plan
3 and her list she drafted were items that just logistically need to be updated in the General Plan,
4 like the maps and statistics. Is there a role we can play to help make that happen? **Chairman**
5 **Dave Robinson** stated we will review the General Plan and that list. Commissioner Bob Morris
6 inquired if we want to put a glossary in the back? **Commissioner Pam Gardiol** stated that words
7 like "define and encourage" are nebulous. Do we as a City need to know what those mean? Are
8 there strategies, or is there a better word to use like "shall" or "will" to make these things come
9 about? **Mike Haycock** stated this is not a "shall" document. This is a vision
10 statement. **Commissioner Bob Morris** stated that "mandate" is a strong word. Having that
11 nebulous is part of the vision. It allows for creativity and interpretation on a growing basis. If the
12 interpretation is strict, that doesn't work in this document. This is a living document and needs to
13 be allowed to breathe. **Mike Haycock** stated if you start putting "shall" in there, it puts a
14 constraint on the vision. He agrees. **Commissioner Pam Gardiol** stated that when it states
15 "encourage" we either do, or we don't. **Mike Haycock** stated in Ivins, big box stores are not part
16 of the vision. Going in that direction, there are some things in the General Plan that may not
17 support that idea because you need jobs here. Knowing we like our community a certain way
18 helps us make those decisions in the future. Then Ordinances get based off those
19 concepts. **Commissioner Derek Larsen** stated that before we start our Public Hearing he votes
20 that Commissioner Doug Clifford gives his water talk again. That will be a lot of topics and
21 people don't understand. **Mike Haycock** stated there is an element in the General Plan that talks
22 about water, but State law requires that update in the next five years. **Commissioner Doug**
23 **Clifford** stated that the Water Conservancy has to control the whole valley, not just us. **Mike**
24 **Haycock** stated that we have control over conservation.

B. Chairman

C. [Building and Zoning Administrator, Mike Haycock](#)

26 **Mike Haycock** stated that the meeting in October, City Council may change their meeting to
27 attend the Utah League of Cities and Towns. He thinks we should change our meeting date. We
28 can just do it and then give City Council the chance to change theirs as well. So change it to
29 September 27th. **Dale Coulam** stated that Commissioner Pam Gardiol and Chairman Dave
30 Robinson would also like to attend. We will take care of the registration and lodging is on your
31 own. Their link has a League conference rate that is available at the Plaza Hotel. **Commissioner**
32 **Derek Larsen** stated he would be gone on the 27th out of town.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

5) ADJOURNMENT

34 **MOTION: Commissioner Bob Morris moved to approve ADJOURNMENT**

35 **SECOND: Commissioner Derek Larsen**

36 **VOTE: The motion carried.**

Chairman Dave Robinson	AYE
Commissioner Pam Gardiol	AYE
Commissioner Doug Clifford	AYE
Commissioner Bob Morris	AYE
Commissioner Derek Larsen	AYE