

**IVINS CITY
PLANNING COMMISSION
MINUTES
February 1, 2022
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 Bob Morris, Commissioner Doug Clifford, Commissioner Dave Robinson, and Commissioner Pam Gardiol.

Staff Attending: Dale Coulam-City Manager/Attorney, Cade Visser-Director of Finance, Mike Haycock-Building and Zoning Administrator, and Sharon Allen-Deputy City Recorder.

Audience Attending: Chris Haddad, Wendy Loris, Dave and Suzy Appel, Jenny Johnson, Sharon Barton, Shelley Moeller, Lance Anderson, Dusty Saxton, as well as others that had not signed in.

- A. Acknowledgement of Quorum**
- B. Flag Salute--Commissioner Pam Gardiol**
- C. Invocation--Commissioner Pam Gardiol**
- D. Disclosures--None**

2) REPORTS AND PRESENTATIONS -None

3) PUBLIC HEARING AND ACTION ITEMS—

- A. Public Hearing on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding Ivins City Solar, Ground-Mounted Solar, and Allowable Uses.**

Mike Haycock stated that in our zoning ordinance a use has to be specifically allowed. Upon request of an application, we've looked at ways to make ground mount meet design standards acceptable to the Planning Commission to forward on to City Council. **Chairman Jeff Loris** opened the Public Hearing. Suzy Appel stated that she hasn't reviewed the document yet, but they requested a permit for ground mount solar and live on 5 acres. They thought it would be aesthetically pleasing if they put it on the ground and they have the space to do so. They have had an application in since August and are wanting to make sure the requirements fit their needs, especially regarding fencing. **Commissioner Dave Robinson** stated the exception says that ground mount solar screen is not required on residential lots of one acre or larger. **Commissioner Bob Morris** stated there will be another Public Hearing before City Council so she has time to review. Dave Appel stated that regarding the roof-mounted solar panels, some look pretty bad on the roof. With the land that we have, they would never be seen. Hearing no other comments, **Chairman Jeff Loris** closed the Public Hearing.

- B. Discuss and consider recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding Ivins City Solar, Ground-Mounted Solar, and Allowable Uses.**

Commissioner Pam Gardiol stated she has a change on Item #4 and that black and brown frames should be the default. We need to clarify that. **Commissioner Dave Robinson** stated that they would all be aluminum frames, so we should reword that and denote that black or brown frames are what we prefer. **Commissioner Pam Gardiol** stated we could add the word "uncoated" to aluminum frames on solar panels shall not be used where black or brown frames

are available. Black or brown are the preference and will be used where available. Suzy Appel stated that her electrician tells her that ground mount systems only come in silver.

Commissioner Bob Morris stated the way it reads is okay. Add the word uncoated, but if there is an option that offers that color it will be used. If we alter it, we would be saying they can't have ground mount because their system doesn't have that option. UL listing would be negated if you were to paint a frame on a solar panel. **Mike Haycock** stated also because of bonding.

Commissioner Pam Gardiol stated change "where" to "if." The last sentence reads ground-mounts can only be 8 feet tall above grade. It should say a maximum of 8 feet tall. It cannot exceed 8 feet tall.

MOTION: Commissioner Dave Robinson moved to approve recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding Ivins City Solar, Ground-Mounted Solar, and Allowable Uses, as amended.

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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

C. Public Hearing on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding LRV Accents and Trim.

Mike Haycock stated that the Light Reflective Value ordinance is written in such a way that there are a few places that contractors have differing opinions on interpretation, so we wanted to make accents and trim more defined. We went to 25% outside of the Light Reflective Value standards of 7-38 to make it easier to communicate to contractors, homebuyers and citizens.

Chairman Jeff Loris opened the Public Hearing. Dusty Saxton lives on South Main Street. He mixes and matches paint for a living and has been in the industry for about 20 years now. He has a lot of experience with paint, and when we selected colors for our house, we kept being told 7-38 and the range we selected was lighter than that. He thought this had already been changed because there are homes in the Ivins area that are not within this range. **Commissioner Dave Robinson** stated that many of us don't like the Light Reflective Value. Dusty Saxton said the colors black and brown you are asking to have ground mounted solar panels done in doesn't meet the range. It really isn't about the range. He thought it was silly when he was building.

Commissioner Dave Robinson inquired would it be better to base it more on chroma? Would that be more what we are looking for in Ivins? Dusty Saxton stated it would be more accurate. Light Reflective Value is more about base color. **Commissioner Dave Robinson** stated that chroma broadens what colors can be used but keeps colors toned down and he thinks that is what we are after on the outside of homes. **Chairman Jeff Loris** stated this is to discuss the amount of the square footage that should or shouldn't be on the frontage as an accent trim. The building official is having a hard time enforcing it. **Mike Haycock** stated the problem is in the wording, like "small amounts" and "may be acceptable." We want to get away from that and define it further. Dusty Saxton stated why define it? Why not eliminate Light Reflective Value altogether? So we don't want a lot of accent color? **Chairman Jeff Loris** stated we need to specify what "small accents" is. **Mike Haycock** stated it is easier to enforce if there is a hard number. If we define it, there is a quantitative amount rather than an idea of what we think looks okay. Dusty Saxton stated he is sorry but this is silly. He has a hard time believing anyone would put 100%

brown or black. You'd blow that 25% amount out of the water with just rain gutters and downspouts. He wouldn't suggest any number. Leave it open. If they want to be aesthetically unpleasing property, that is up to them. He doesn't understand why the restrictions need to be there. **Commissioner Doug Clifford** stated that what is aesthetically pleasing to one person, may be a disaster to another. **Chairman Jeff Loris** stated that HB 82 defined that for us. **Dale Coulam** stated if there is a development agreement this would apply, and our standard development agreement says you will comply to the City's guidelines so that brings in Light Reflective Value. As a point of order, this should be a comment period, and closed when the comments are over. Hearing no further comments, **Chairman Jeff Loris** closed the Public Hearing.

D. Discuss and consider recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding LRV Accents and Trim.

Commissioner Bob Morris stated that he agrees with Dusty Saxton, but he has nothing to say with this change. Light Reflective Value is an ineffective way. We are using a metric, so it is left to some poor inspector to put his guess on the line. We are using the wrong metric. He doesn't understand why are we clinging to this? The point Dusty Saxton made perfectly is why would someone ruin their investment? We have that little faith in our community to allow them to paint their homes the color they desire. He has been told before that if we opened up an ordinance for discussion we can review the whole ordinance, not just the red. **Dale Coulam** stated that this was clear to define a couple ambiguous terms and put in a percentage or amount that the building official could use to enforce. You could vote to table this discussion and open it up for broader discussion for the issue of Light Reflective Value. The first half of the ordinance that is in black is already defined. It is just accents and trims. It is not drawing into question what the Light Reflective Value range should be. This discussion tonight is accents and trim. **Commissioner Dave Robinson** stated we should table this. He lives in Altura and he walks through that neighborhood and there are numerous houses that would be nowhere near this. The whole pop-out is a synthetic wood or metal. Rain gutters would eat that 25% up so fast. What we have written is not going to fly with what people want now. **Mike Haycock** stated he wanted to clarify that we do have a meter and we ask for submittals at the beginning of the permit process. We are looking at samples before they are placed on the house. The definition is all we would like clarified. **Commissioner Bob Morris** stated that the State law said we can't do this but through a back door we enforce it. **Chairman Jeff Loris** stated no those that agree to a development agreement comply with this. **Commissioner Bob Morris** stated that is just another way of circumventing what the State law requires. **Chairman Jeff Loris** stated that people have their choice. **Commissioner Bob Morris** stated developers. He wants to make that clear because when a lawyer comes along with enough time and money we won't win as a City and beat a State law. He would move to table this discussion tonight. **Commissioner Pam Gardiol** stated that she would like staff to elaborate on if this aligns with current building in the community, or are we creating a hardship? **Chairman Jeff Loris** stated we came up with 25% with this group. **Commissioner Pam Gardiol** inquired are there existing properties now that exceed 25%? **Commissioner Dave Robinson** stated from what he sees right now, there are a lot of accents on homes and roof tiles are darker too if we need to consider that an accent. These new houses have a lot more trim that are doing entire portions of their homes, not just around the windows. **Mike Haycock** stated that we are now requiring development agreements for new subdivisions, but for a period of time, there was a gap where some developments had development agreements and some did not. If you drive down the street the right side may look one way because of a

development agreement and the left side look totally different because they did not have a development agreement.

Commissioner Doug Clifford stated that we are really not talking about the issue on the agenda, and somehow this has been kicked back. Can we really require every developer to have a development agreement? Do we have to give them something in return for that? Is it a taking if not? Why can they not just build to City code? **Dale Coulam** stated that every subdivision is required to have a development agreement, but it is negotiable. If they were insistent that they build according to State law rather than certain City codes the development agreement would be worded to that effect. They cover a lot more than just Light Reflective Value. The main reason we required a development agreement for every subdivision is to warn about the scarcity of water. **Commissioner Doug Clifford** stated that development agreements have a place and a purpose. What we are really trying to do is achieve what we've said in the General Plan which is a reflection our environment, our mountains and desert and that they should blend in with our environment. That is not an exact measurement or term. It is subjective. How do you put a measurement on something that two different people can look at. They are in the eye of the beholder. That is why the State went in and said cities should not be in the business of regulating it. We went through this last year and Light Reflective Value is one measure out of all kinds of measures of what the exterior of a home looks like. Our Building Department is pulling their hair out trying to figure out how to enforce it. **Chairman Jeff Loris** stated that again, this application is for trim and accent on houses. Why are we talking about Light Reflective Value and blending? We are looking at the amount of color beyond the scope of 7-38 that can be used for trim on a house. **Commissioner Doug Clifford** stated he knows but the elephant in the room is more than that. **Commissioner Dave Robinson** stated the way this is written won't work for us and our situation. We need to table it.

MOTION: **Commissioner Bob Morris** moved to table Discuss and consider recommendation on a proposed amendment to Chapter 16 of the Zoning Ordinance regarding LRV Accents and Trim.

SECOND: **Commissioner Dave Robinson**

VOTE: The motion carried.

Chairman Jeff Loris	AYE
Commissioner Bob Morris	AYE
Commissioner Doug Clifford	AYE
Commissioner Dave Robinson	AYE
Commissioner Pam Gardiol	NAY

E. Discuss Land Use Map, Zoning Map and General Plan Amendments.

Mike Haycock stated that he outlined the areas that are the holding zones off the zoning map and put those parcels over on the land use plan. There are few places for high density within those areas, but not many. City Council has asked us to look at these holding zones. By having this overlay it is obvious that commercial and high density needs to be looked at and buffer around that. He has printed out different commercial uses to help guide where we want some of the commercial uses, areas that would be good for those commercial uses. On the paper are the zones those uses are allowed in. We can decide if our table of uses is consistent with where we want these different businesses to go in the future. **Commissioner Bob Morris** inquired when was the last time we had a professional sit down and allocate the different areas and what would work in a community and be the most beneficial? **Dale Coulam** stated that 2013 or 2015 was the last time and the Mayor remembers a process that was used by Judy Gubler so that was before

2004. **Commissioner Bob Morris** stated there are concerns from property owners. **Dale Coulam** stated what is being proposed is we discuss it and get some direction and have some open houses and get public input. This is an ongoing process. **Mike Haycock** stated that City Council didn't want to approve any more zone changes until we look at these holding zones because of how it appears to be advertised to homeowners. We've been asked to clarify that by looking at the land use plan. **Commissioner Dave Robinson** stated in that meeting didn't we discuss changing some of that zoning quick so we don't have so many massive holding zones? **Mike Haycock** stated in the areas outlined in black, if you were to do a quick zone change, there are actual operating farms out there. Those owners would not want to lose that zone right now. The blanket approach doesn't work on the zoning side of things but maybe on the land use plan. It has put us in a situation where we either change the advertisement of how these are labeled, or we need to go through and change the land use and let the zoning reflect what the land use is. In the Black Desert area we already have a lot of direction in that area. That is a resort commercial area. Red Mountain has also mentioned extending their property. This is a learning exercise to learn not just the zone but the uses that can be done in that zone. Regarding carwashes, we may want to disallow carwashes because of water usage. We want to make sure the uses are in the right places and are appropriate for the area. **Commissioner Dave Robinson** stated that automotive self-service station only has C-1 listed. Is it not a mixed use as well? **Dale Coulam** stated that use was removed from Resort Commercial following objection to the gas station and saying that should not be an allowed use under Resort Commercial. That was a zoning text amendment to remove it from everywhere but C-1. **Commissioner Dave Robinson** stated he thinks we have already established professional office space on 200 East and Center Street. Across from the University. **Chairman Jeff Loris** inquired for bank and credit unions, would that be allowed in that corner with the gas station? **Dale Coulam** stated it would be allowed in there as a use. They have a space that was going to be a larger restaurant. **Chairman Jeff Loris** stated south of Citadel Estates is Resort Commercial. **Commissioner Bob Morris** stated the convenience store on Hwy 91 and fast food restaurant on the same corner as the bank. Hotel by Firelake Park. Storage next to Ryders automotive. **Commissioner Doug Clifford** stating commercial nursery needs to go in our existing agricultural where they have water. There is some vacant property in the center of town. Seems like a temporary use until it becomes residential. Commercial daycare is anywhere residential. **Mike Haycock** not out of someone's home, but a daycare facility. **Commissioner Doug Clifford** stated near the veterans home. **Commissioner Pam Gardiol** inquired how did we come up with the usages on these papers? **Mike Haycock** stated they are all in the table of uses. We looked through the table of uses as to what may come to our City. If we can start clustering a bit we can make sure those areas and zones are done appropriately. We have two clusters forming now. **Chairman Jeff Loris** stated as the land use plan is made, we determine hot spots for each zone, professional use, residential, churches, schools, etc. SITLA usually ends up being school land. We had planned to make that professional space to work around a school. Kayenta has done quite a bit of work around Coyote Gulch and buffers. Black Desert, SITLA, Sentierre and Tuacahn have really been master planned. So we have small exterior elements and we just need to decide if these need to stay as bubbles and is this a good choice of high density residential next to this commercial. Even though we might plan, according to their choice they probably won't do that. How do we feel it should be used and will be used. **Commissioner Pam Gardiol** stated if we have open areas and look at where we want single family or multi-family where are the buffers to protect those? Doing this seems backwards. If we look at that map and say where do we want certain

identities for our community, then whether it is a commercial kennel or a bed and breakfast, it will go in that flow of how we plan out the usages in the community. **Chairman Jeff Loris** stated that is why we are here today is for all of us to work on how to plan this. **Chairman Jeff Loris** stated that the Tuacahn roundabout area would be good for an art studio in the convenience store area. In the open space of the Black Desert Resort they want to do mixed uses and that would be a great area as well around that roundabout. We know everyone in Padre Canyon would like to keep their property wide open. It would make it a nice breakfast community on the Tuacahn roundabout. **Commissioner Dave Robinson** stated he would like to annex in the property on the other side of Hwy 91. Down there should be more retail commercial like another gas station, bank, credit union off the Western Parkway. Some of that area will be reserved for residential but that pathway will eventually be extremely busy. **Mike Haycock** stated he wanted to hear what the vision was from the Planning Commission on the commercial side first so we can buffer residential from that. **Commissioner Pam Gardiol** stated regarding clusters where does it make sense to have gathering places for commercial and do we create concentric clusters around those so we aren't getting pockets of commercial that interrupt with the flow and natural environment and that sense of serenity in a neighborhood. The other reason she likes the idea of clusters is they are organic gathering places where the community interacts with each other so you get more energy in a community. We want clusters that flow and interact with each other. **Mike Haycock** stated he added the beauty shop as somewhere that everyone goes and talks. **Chairman Jeff Loris** stated the area by Family Dollar and the Market would be an excellent place for a hub for residential to walk to. Do we want another store there? It is already commercial neighborhood. **Commissioner Bob Morris** inquired where could solar fields be? The carwash in front of Harmons is really noisy. Put that somewhere away and buffer. **Commissioner Dave Robinson** stated that the carwashes are required to recirculate so they don't use as much as they used to. **Commissioner Doug Clifford** stated that maybe we should look at background because communities grow organically and are loosely connected and fill in around arteries, our roads and where traffic is. Are these the arteries we want to keep? **Mike Haycock** stated there is a bus route. There is a legend on the bottom left and that road legend is there on the land use plan for a reason. Look at bus routes and arterial and collector roads and where you want apartments and high density because our roads are built or designed to be built for those already. **Commissioner Dave Robinson** stated that organically growing makes us skip things is a problem though, because Ryders has been there forever and suddenly Sage Villas was being built surrounding it. That should have been set aside as commercial. There was already an automotive repair shop there. If we created a buffer zone that would have been a bigger commercial area right there for other businesses to come in. Organic growth can turn into unplanned growth. We should be mindful of that. **Commissioner Bob Morris** stated people that buy those homes see that is already there. What we are really fighting for are the people who buy homes and then suddenly those type of things pop up. We need to broadcast and educate people on the zoning and what can possibly come in next to them. That's the challenge. With Ryders they can see it before they buy. **Commissioner Pam Gardiol** stated if we look at where our arteries are, then that is where the clustering is occurring, so that point is well taken. Is there a way to have an overlay to see the road master plan? Could we have another map made? **Mike Haycock** stated yes and he would like to point out that the two areas we are talking about are both collector roads. **Chairman Jeff Loris** stated let's look at the master plan and research those areas. **Mike Haycock** stated in the meantime if you want to schedule dates for open houses we could present the two clusters and go from there, or do you want more meetings first? **Chairman**

Jeff Loris stated that if we could put a map together that shows the recommendations that would be a good start in that direction. **Commissioner Dave Robinson** stated also charging stations for electric vehicles are coming out. It is a need. **Dale Coulam** stated he doesn't recall that in the table of uses. **Mike Haycock** stated it is run by businesses to attract customers.

F. Discuss and consider approval of the Ivins City Planning Commission Meeting Minutes for January 18, 2022 and City Council and Planning Commission Joint Meeting Minutes for January 18, 2022.

Commissioner Pam Gardiol asked that on Page 2 line 3 of the joint meeting minutes Mike Scott be mentioned as a Councilmember, not a Commissioner.

MOTION: Commissioner Doug Clifford moved to approve the Ivins City Planning Commission Meeting Minutes for January 18, 2022 and City Council and Planning Commission Joint Meeting Minutes for January 18, 2022, as amended.

SECOND: Commissioner Dave Robinson

VOTE: The motion carried.

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

4) REPORTS

A. Planning Commission

B. Chairman

C. Building and Zoning Administrator, Mike Haycock

Mike Haycock stated that in the back of the Council Chambers, there are index cards to make suggestions about land use. They can be anonymous, but put your subdivision location so we know where the perspective is coming from. We will take those comments and make them available for Planning Commission.

D. City Attorney, Dale Coulam

E. Items to be placed on future agendas

Commissioner Bob Morris stated that we will be discussing Light Reflective Value.

5) ADJOURNMENT

MOTION: Commissioner Doug Clifford moved to approve ADJOURNMENT

SECOND: Commissioner Bob Morris

VOTE: The motion carried.

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