

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
May 2, 2024
MINUTES

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, May 2, 2024 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah

**Members Present**

Michael Platt  
Michelle Tullis – Chair  
Erick Cox – Vice Chair  
Mark Halterman

**Member Excused**

Roger Thomas  
Laine Sutherland  
Jared Christensen

**Staff Present**

|                |                               |
|----------------|-------------------------------|
| Reed Erickson  | Iron County Planner/          |
| Terry Palmer   | Iron County Building Official |
| Sam Woodall    | Iron County Deputy Attorney   |
| Rich Wilson    | Iron County Engineer          |
| Merilee Wilson | Iron County Engineering Dept. |

**Others Present**

Paul Roelandt  
Keshia Anderson  
Dallas Buckner  
David Clarke  
Symbria Patterson

**Representing**

Vision Iron County  
Vision Iron County  
Go Civil Engineering  
Platt & Platt Engineering  
Red Acre Farm

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Michelle Tullis opened the meeting at 5:32 pm.  
Michael Platt led the Pledge of Allegiance.

**2. PUBLIC COMMENTS – Non-Agenda Items**

Chair Tullis opened the public comments.  
No comments made.  
Chair Tullis closed the public comments.

Reed Erickson introduced Paul Roelandt and Keshia Anderson, representing Vision Iron County. Keshia is interested in the field of planning.

**3. ZONE CHANGE APPLICATION – “A-20 to LI” – (13.8 Acres)**

**Ryan Brindley - Located near 3400 S Old Hwy 91, Cedar City, UT (APN: E-0251-0001-0000)**

**Introduction:**

Reed Erickson shared the following regarding the zone change application:

- The property is located by Hamilton Fort, east of Rainbow Ranchos Subdivision, between 5100 W and Old Hwy 91.
- The parcel is adjacent to property recently zoned Light Industrial.
- This parcel is not within the Cedar City Tier II land use planning area, but it is within their annexation boundary so the county the opportunity for Cedar City to give their feedback. The county tries to be mindful of being compatible with surrounding areas.
- Regarding the Paiute Tribal Land nearby, we are not aware a written plan, but they do basically want to use it as commercial land.
- There is no sewer or water available. The CICWCD may eventually be able to extend water as subdivisions are built closer to the area. Certain Light Industrial uses can be done without a water system.
- Other utilities include power, gas, communication, etc., that are in the area.
- Once a property is changed to Light Industrial, any of the approved uses can be done on that property so the county must decide if the change is in the best interest for the area.
- A list of Evaluation Considerations is reviewed with each rezone.

**Public Hearing:**

Chair Tullis opened the public hearing.  
No comments were made  
Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Reed reviewed the list of Iron County Evaluation Considerations regarding zone changes with the ICPC members.

**Planning Commission Action – Recommendation to County Commission (Approve, Approve with modifications, Deny or Continue):**

**Motion:** Mike Platt made a motion to recommend to the Iron County Commission that the zone change from A-20 to LI, for the 13.8-acre

property identified in agenda item 3, be approved.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Michael Platt, aye)

#### 4. ZONE CHANGE APPLICATION – “R-5 to R-½” – (80.48 Acres)

**Onado Investments LLC - Located near 2300 W & 3200 N to 3600 N, Cedar City, UT (APNs: D-0618-0000-0000, D-0620-0000-0000 & D-06220-0001-0000)**

##### **Introduction:**

Reed Erickson shared the following regarding the zone change application:

- The property is located in the area of 2300 West on the north side of the recently incorporated area of Cedar City.
- The total acreage of the 3 parcels is 80 acres, and the 40 acres south was annexed into Cedar City a year ago, for development. Cedar City's general plan did not include the entire 120 acres in their policy plan so they could not annex the whole thing. The 40 acres within Cedar City limits does allow for duplexes.
- The north 80 acres, if approved to R-½, would allow townhomes.
- Concerns about all the development in the area have been expressed, but the utilities etc. are available and the developer has CICWCD and sewer “will serve” letters as has also been provided by adjacent subdivisions.
- Justification for the zone change shows that the property around it is zoned R-½, and there is a cluster subdivision north of it with open space areas.

Dallas Buckner, representing the owner, added that 2300 West is one of the corridors that has water and sewer in the county so it is one of the best areas for high density.

Reed explained that when this zone change application originally came in, the property owner represented interest to rezoning to R-½.

Since that time, the property is in the process of being sold and there may be another application at an upcoming ICPC meeting for the bottom 16 acres to be rezoned to R4K (4,000 square foot lots and townhomes). In the meantime, the buyer wants to secure the R-½ for now.

##### **Public Hearing:**

Chair Tullis opened the public hearing.

No comments made

Chair Tullis closed the public hearing.

##### **Planning Commission & Staff Discussion:**

- The Evaluation Considerations were reviewed by the ICPC.
- Reed shared that the 80 acres borders the Stevensville Ditch on its east side, so the county is coordinating with Cedar City to be sure it can be maintained.

##### **Planning Commission Action – Recommendation to County Commission (Approve, Approve with modifications, Deny or Continue):**

**Motion:** Mark Halterman made a motion to recommend to the Iron county Commission that the zone change from R-5 to R-½, for the 80.48-acre property identified in agenda item 4, be approved.

**Second:** Seconded by Erick Cox.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Michael Platt, aye)

#### 5. PRELIMINARY SUBDIVISION APPLICATION – “Estates at Sunrise Ranch, Phase 2” (19.54 Acres – 18 Lots)

**DDJ Development LLC. – Located near 3570 N 2300 W, Cedar City, UT (a portion of APN: D-0616-0617-0002)**

##### **Introduction:**

Reed Erickson shared the following regarding the preliminary subdivision application:

- Last month the ICPC recommended the zoning change for this subdivision and the County Commission did accept that recommendation and rezoned the property to R-½.
- Dave Clark is here from Platt and Platt to answer questions.
- The property is located directly south of Estates at Sunrise Ranch, Phase 1 (32 lots).
- Phase 2 would add 18 more 1-acre lots. The property is zoned R-½, which allows ½-acre lots or larger.
- Near the subdivision, there are good 75-foot transportation corridors--2300 W, 3000 N, and 4000 N.
- The project layout shows 3570 N would connect to 2300 W and provides access to 9 lots on each side of the road. Future development on the east side will need to then coordinate streets with this road.
- The applicant is compliant with the county subdivision ordinance.
- The applicant is asking for a variation to remove the requirement for curb/gutter, sidewalks, and fencing for the following reasons:
  - \* The lots are flat.
  - \* The water, sewer, and other utilities are available in the area.
  - \* There is no master storm drainage plan so the county is comfortable not having curb/gutter and sidewalk. They would widen the asphalt for walking, without a sidewalk.
  - \* Regarding fencing:
    - On the north side, it is not needed because it is a continuation of Phase 1.
    - On the south side, a fence is needed because it will continue to be agricultural development.
    - On the east side, is a livestock trail (2300 W) so a fence is needed.

- On the west side, no other subdivision has fencing so it is not needed.

Chair Tullis shared that they did grant no streetlights for Phase 1.

**Planning Commission & Staff Discussion:**

- Reed Erickson reminded the ICPC members that previously this would have required a public hearing, but not any longer. One person did contact him to ask if there would be a public hearing, but they are not in attendance at this meeting. He did send them additional information for them to review.
- Chair Tullis asked about the distance between each entrance and if it could be less.
- Rich Wilson explained that based on the speed limit of 40 mph, the distance requirement is a minimum of 350 feet. These two are 500-600 feet apart, which is best for a major collector road like 2300 W.
- Erick Cox stated that those moving into this development need to realize they are moving next to a major collector so the noise won't be mitigated by the county.
- Reed reviewed the Preliminary Subdivision Ordinance review criteria for a R-½ subdivision noting:
  - \* Subdivisions with 11 or more lots must come before the ICPC for approval. If less than 11 lots, the staff will review for approval.
  - \* The ICPC must consider the request for the variations being asking for.
- Erick Cox shared that when the ICPC reviewed and recommended the zoning change, the neighbors asked that the applicant keep the lots as 1-acre lot, which the applicant has done.
- Chair Tullis asked if the storm drainage needed to be a variation.
- Reed explained that it does not because the subdivision water does have to be dealt with it by the property owners. The water will still go west and north along 2500 W to 4000 N, but with larger lots, most storm water can be kept on the lots.

**Planning Commission Action – (Approve, Approve with modifications, Deny or Continue)**

Mike Platt shared that he has reviewed this plan and is helping with this project in his business office, but he will still vote.

**Motion:** Erick Cox made a motion to approve the Preliminary Subdivision application for the 19.54-acre property identified in agenda item 5, having found the application to be in compliance with the requirements of the Iron County Land Management code, specifically Chapter 6.12 including the variations of no street lights, no fencing on 2 sides, no curb/gutter, and no sidewalks.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Michael Platt, aye)

**6. COUNTY CODE AMENDMENT – Ordinance 2024-3, Amending “Section 17.42.040 – Amending criteria for approving development agreements”**

**Introduction:**

Reed Erickson shared the following regarding the proposed changes in Ordinance 2024-3:

- The changes came as a result of BZI Innovation Park (formerly Commerce Crossroad Logistics Park Subdivision) submitting their application for a development agreement.
- The final plat has been submitted, but the county is waiting for the financial guarantee before it is recorded.
- The development agreement for the 800 acres has also been submitted and is still being reviewed by the staff. Part of the challenge of that agreement is that they have proposed uses that don't fit in the Iron County Code, Section 17.42.040, #4, Criteria for Entering into a Development Agreement, which specifies it will meet current ordinance requirements. For example:
  - \* When the New Harmony Ranch Development Agreement was created, the county had to adjust some of the zoning because of what they were proposing. Because it was a Tier III, the SPA zone allowed for differences. A provision existed in the ordinance to allow the development agreement to address changes so they could comply with the ordinance.
- In BZI's case, they want to include some non-allowed uses in the Light Industrial zone. Their table of uses doesn't match our ordinance so the county will need to adopt changes through the development agreement since we are not changing the zoning uses in the county table of uses.
- To remedy this:
  - \* The changes to the county ordinance would match state code (17-27a-528, subsection 23), which allows for development agreements to approve uses and proposals that are not allowed in the code when the development agreement is approved through the review and recommendation process of a new land use ordinance.
  - \* The procedure to adopt a development agreement is the same procedure the county would use to adopt a new land use ordinance and would therefore allow for those uses.
  - \* Those uses could then be permitted through a development agreement, which requires the appropriate notice to adjacent property owners, a public hearing, etc.
  - \* Adding these changes into our county ordinance allows development agreements to be tweaked as needed.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Reed Erickson reminded the ICPC members that this change is for the ICPC to review and recommend to the County Commission. The County Commission will review it at their May 13<sup>th</sup> meeting.

Erick Cox shared that his concern is that people were told previously there would be Light Industrial in the front and Industrial in the back of the development. The zoning changes and CUP identified what those uses would be. He is worried about perception and would like to know what BZI is proposing.

Reed shared:

- If there are any proposed changes to what has been previously approved, the adjacent property owners would get notice.
- BZI is looking at rezoning to R-½ and R4K in the northwest part of the property, so they can use our current zoning structure.
- BZI, after looking at the county's new table of uses, didn't feel their request for residential was appropriate in Light Industrial or Industrial so they came back with this proposal to rezone a portion of the area for residential.
- The development agreement would include their own table of uses. They wanted more clarification than our table of uses and each one will be reviewed once we get the development agreement and the ICPC will determine if it will be allowed.

Chair Tullis asked for clarification regarding rezoning a portion of the property to R4K and R-½ and if it would be addressed in the development agreement.

Reed explained that BZI would identify in the agreement their intent for residential to rezone the property, but they will still be bound to the county's established zoning ordinances. The only use differences will be in the Light Industrial and Industrial zones, not residential.

**Planning Commission Action – Recommendation to County Commission (Approve, Approve with modifications, Deny or Continue)**

**Motion:** Mike Platt made a motion to recommend to the Iron county Commission that Ordinance 2024-3 amending the Iron County Code Section identified in agenda item 6, be approved.

**Second:** Seconded by Erick Cox.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Michael Platt, aye)

**7. MINUTES...** consider approval of minutes for the April 4, 2024 meetings.

**Motion:** Mark Halterman made a motion to approve the minutes of April 4, 2024 as the official record of that same planning commission meeting.

**Second:** Seconded by Mike Platt.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Michael Platt, aye)

**8. STAFF REPORTS...**

A. Building Department - none

B. County Attorney - none

C. County Planner

- Reed Erickson shared that when notices for this meeting are mailed, he also advertises for the County Commission meeting in the same notice, so action is occurring more quickly than before. The County Commission has approved all of the ICPC's recent recommendations.

D. Other:

- Rich Wilson, Iron County Engineer, reported on the Stevensville Ditch flood improvements:
  - \* Bowen-Collins recommended that our current ordinance on Stevensville Ditch, which requires a setback of 100 feet from the bank to the nearest habitable building, be changed to 125 feet from the centerline.
  - \* In the near future, he will present and recommend to the ICPC to change the setback to 125 feet on both sides.
  - \* The ditch north of 2200 N won't qualify for NRCS funding because the benefit is not above a 1 (cost benefit vs. the cost of improvements) and must be at least a 1.1. Everything north of 2200 N will be the responsibility of the county to improve. NRCS will fund the area between the interstate and 2200 N.
  - \* Cedar City recently became a co-sponsor to the project. They have 2 pits available for floodwaters, so that is a benefit.
- Reed explained that from the canyon to the Woodbury Split the improvements were already made. This project will take it from the Woodbury Split, across the interstate to 2200 N.
- Erick Cox asked about the area below 3000 N. owned by the irrigation company.
- Rich explained that it would qualify as a "one-off" as a special agricultural project so NRCS will look further into that as an agricultural use project.

**9. ADJOURN**

Chair Tullis adjourned the meeting at 6:36 pm.

Minutes Approved June 6, 2024 by the Iron County Planning Commission



6/7/2024