

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

The Iron County Planning Commission held their regularly scheduled meeting Thursday, July 2, 2024 at 5:30 pm, Cedar City Festival all, Room #1 – located at 105 North 100 East, Cedar City, Utah

Members Present

Michelle Tullis – Chair
Erick Cox – Vice Chair
Laine Sutherland
Jared Christensen

Excused

Michael Platt
Roger Thomas
Mark Halterman

Staff Present

Reed Erickson	Iron County Planner
Terry Palmer	Iron County Building Official
Nate Dennett	Iron County Building Dept.
Chelsea Boxwell	Iron County Building Dept.
Sam Woodall	Iron County Deputy Attorney
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Dept.

Others Present

Ryan Frisby
Chrisie Frisby
Josh Hayden
Paul Patnode
Diana Stiller
Shalon Shaver
Ken Carpenter
Scott Stubbs

Representing

Frisby Farms
Frisby Farms
Frisby Farms
Frisby Farms
New Harmony
Iron County Jail
Iron County Sheriff's Office
Iron County FB Utah, PLL / Self

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Michelle Tullis opened the meeting at 5:35 pm.
Laine Sutherland 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.

Meeting Overview:

Reed Erickson, Iron County Planner, explained:

- * Items 3, 4, & 5 on the agenda are Conditional Use Permits (CUP).
- * CUP's are an allowed use in the zoning district in which it is located.
- * This meeting is not to determine if it is an allowed use.
- * The staff has already reviewed them to determine if they are appropriate for their zone.
- * This meeting is to determine potential impacts and to mitigate them in a way that is positive for the applicant and adjacent property owners.
- * He will do a brief presentation of what the project is and the county's response to that.
- * The applicant will have the opportunity to add any information they feel is important for the planning commission to consider.
- * Each of the 3 CUP's will have their own public hearings.
- * After each public hearing, the ICPC members will discuss the item and vote.
- * These decisions will be final and are not required to go before the county commission.

**3. CONDITIONAL USE PERMIT APPLICATION – “Correctional Institution” – (33.50 Acres)
Iron County Sheriff - Located near 631 N 2550 W, Cedar City, UT (APN: D-0968-0004-0000).**

Introduction:

Reed Erickson shared the following regarding the New Iron County Jail:

- * The location is located north of SR 56, just north of 580 North (also known as Horse Alley).
- * The road to the north is 850 North, which comes off of Airport Road. The land is near the IFA fertilizer facility.
- * The county ordinance states that a Correctional Institution means a prison, jail, juvenile detention facility, or juvenile security facility.
- * In an A-20 zone, a correctional institution requires a CUP.
- * The property is a county owned island with Cedar City incorporated land on all sides
- * The property is 33.5 acres and it falls within the traffic pattern zone of the airport overlay. The jail is an allowed use in this overlay zone.
- * One very small corner of the property is in the approach zone, but nothing will exist there so there is no conflict.
- * The county has had to mitigate about six acres of property for prairie dog habitat by working with the US Fish and wildlife Service and DWR to get permits and to pay fees.
- * Babcock Design is the consultant the county hired about two years ago to help design the facility and identify the potential impacts.
- * Shalon Shaver from the Sheriff's Department is in attendance tonight to answer any questions regarding the jail. Sheriff Carpenter will arrive soon.
- * The main entrance is off of 850 North going south and will connect into Horse Alley (580 N). Horse Alley will not be a main entrance, but will be used as an emergency access.
- * The building is three stories. The front will be the office space; the pods will be behind and not as visible.
- * The adjacent properties are the railroad and industrial businesses. There are no residential developments in the area.
- * The building design is a benefit to how they are able to go from vehicles into buildings safely, through booking, and then to the pod to be housed.
- * The layout is designed so that there can be a central facility to view all the inmates which is less labor intensive.
- * This design has been successful in Utah and surrounding states.
- * There are day use areas and outdoor enclosed yards between the two pods.

Sheriff Carpenter explained:

- * The 1st floor of the pod is for the inmates, the 2nd floor is the mezzanine, and the 3rd floor will be used for a different classification of inmate.
- * In the administration portion, the first floor is all jail administration, the kitchen, the laundry, etc. The 2nd floor is the sheriff's office, patrol room, and office space. The 3rd floor will be for future growth.
- * There is room for a 3rd pod that would be built if needed for future growth.
- * The property has three ways to get in and out of the property for flow and security.

Reed continued:

- * There will be increased traffic during construction and long-term traffic once it is built.
- * 850 North is a good road and a good route to get to the parking area.
- * Property values are not as big of a concern because no residential homes are near it.
- * The design is focused on safety & security so there are not concerns with that. There will be security fencing and perimeter walls.
- * The noise is not a concern because there are no residential homes.
- * The property will have an onsite retention pond to handle drainage.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- * Chair Tullis asked about fencing. Sheriff Carpenter explained the fencing is not razor wire or barbed wire across the top. Where the yard is, there will be an approximately 20-foot block wall so no one can see in. Within the yard, it will be chain link. There will be additional fencing around the entire jail portion of the property, but the type has not been decided yet.
- * Chair Tullis asked about the gate at 580 North. Sheriff Carpenter explained originally the plan was to gate it, but surrounding businesses have asked for it to be opened up. They are working with Cedar City to help determine the use on 580 North to maybe create a loop or a large turnaround area for big trucks.
- * Rich Wilson noted the drainage is poor in the area and needs to be addressed as well.

- * Erick Cox shared that he is glad to see they have created the opportunity to build another pod and are planning for the future.
- * Reed shared that this has been an ongoing process. This is the third or fourth time looking for a location. Also, many of the details have been hashed out, thought about, and discussed in depth.
- * Chair Tullis reviewed the CUP Review and findings (section 17.28.050) and found the commission to be in agreement.

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

Motion: Erick Cox made a motion to grant the Conditional Use Permit for the 33.5-acre property identified in agenda item 3, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Section 17.28.050.

Second: Seconded by Jared Christensen

Motion Passed: (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

4. CONDITIONAL USE PERMIT APPLICATION – “Recreation, Commercial” – (17.483 Acres)

Ryan & Christie Frisby - Located near 2160 S Old Hwy 91, Kanarrville, UT (APN: E-0401-0011-0000)

Introduction:

Reed Erickson shared the following:

- * The applicants are in attendance tonight and are here to answer questions as we go through the process.
- * The property is located south of Kanarrville on Old Hwy 91.
- * Approximately six months ago, some changes were made to the land management code to clarify the difference between outdoor recreation, recreation commercial, and the zones they could be located in.
- * Recreation Commercial is not allowed in residential zones, but is allowed in A-20, RA-20 and Commercial or Light Industrial zones.
- * The property is in an A-20 zone and adjacent to SITLA land, Zion National Park, and BLM.
- * On the north end, a barn, under construction, currently exists on the property and they plan to slowly add a parking area, a pumpkin patch, areas to host holiday festivities, a farmer’s market, and agricultural sales.
- * On the south end, they plan to create a dirt track for remote control vehicles and a parking area.
- * They are still trying to determine the details of the restrooms, parking, and water.
- * The staff is suggesting the ICPC allow them to use temporary facilities for one season of operation to finalize their needs with a deadline of February 1, 2026 to submit final plans.
- * Traffic will increase in the area, but Old Hwy 91 can handle it because it has good access and elevation.
- * Parking will all be on-site, and cannot be on or along Old Hwy 91.
- * Regarding noise, there is a lot of vegetation on the property where they can decide where to put events to buffer noise. I-15 is along the west boundary and Chekshani Cliffs is on the east side.
- * Hours of operation will be limited to daytime only. No overnight stays or late night activities between 10:00 pm and 7:00 am.

Ryan Frisby, the applicant, shared that:

- * They searched for property for a long time. Last year they did a maze in New Harmony and it wasn’t a good fit.
- * They are the fourth generation of their family to do a Halloween maze and want to continue the family tradition for the kids, for surrounding communities, and for families and friends.

Public Hearing:

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

Planning Commission & Staff Discussion:

- * Erick Cox stated that he thinks this business a good idea.
- * Erick read the CUP Review and Findings (Section 17.28.050). The planning commission found agreement with this section.

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

Motion: Jared Christensen made a motion to approve the application for the 17.43-acre property at the address of 2160 S Old Hwy 91, finding it to be in compliance with Section 17.58.050.

Second: Seconded by Laine Sutherland.

Motion Passed: (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

5. CONDITIONAL USE PERMIT APPLICATION – “Vehicle Sales & Rental Lot” Impound Yard – (35.72 Acres) SG3

Enterprises LLC, c/o Spencer Woodbury - Located near 2957 W 200 S, Parowan, UT (APN: C-1051-0005-0000).

Introduction:

Reed Erickson shared the following:

- * This application is for an impound yard and will be considered the same as a vehicle sales and rental use, so we will use that for this CUP.
- * The property is located in Parowan off of 200 South next to Bob & Carolyn Ray’s residence.

- * The parcel is 35 acres, but they are only going to use a small portion in the upper (northeast) corner.
- * The property is zoned A-20 and A-20 surrounds it.
- * They plan to build a 100 x 100 foot chain link fence with security wire. The rest of the property will have a field fence.
- * The hours of operations could be 24/7, but typical use will be 7:00 am to 8:00 pm.
- * The staff recommends limiting the project to 20 vehicles on the property. They have to hold a vehicle for 30 days, as required by the state. Most are gone within a week after that 30 days. The staff recommends the County give them a total of 45 days for any vehicle to be on the property.
- * 200 South is a good road and traffic will not be an issue.
- * They are aware of and will be careful of the moving of the crashed vehicles to avoid them leaking fluids.
- * The county will require them to follow the state regulations, which includes having a vehicle sales license.
- * One concern brought up regarding fencing with slats, is that the wind may cause the fence to blow over. Since visually the slats won't hide the vehicles due to road height, they are probably not necessary.
- * The applicant is SG3 Enterprises, out of St. George, but they would like a site in Iron County.

Public Hearing:

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

Planning Commission & Staff Discussion:

- * Laine Sutherland read the CUP Review and Findings (Section 17.28.050). Commission found agreement.

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

Motion: Laine Sutherland made a motion to grant the Conditional Use Permit for the 35.72-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 Section 17.28.050.

Second: Seconded by Erick Cox.

Motion Passed: (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

**6. COUNTY CODE AMENDMENT – Ordinance 2024-5, Adding “Section 17.30.090 – Designated Livestock Trails”
CONTINUED FROM JUNE 6th PLANNING COMMISSION MEETING**

Introduction:

Reed Erickson shared the following:

- * This item, Ordinance 2024-5, was on our agenda on June 6, 2024 where the ICPC voted to continue this discussion for this meeting.
- * A public hearing was held at the June 6, 2024 ICPC meeting.
- * The County Commission held a Public Hearing on June 10, 2024 and many people gave input on the livestock trail proposed ordinance.
- * Additional language has been added as a result of those comments to include notifying local law enforcement of livestock movement, to enlist their help in directing traffic, and posting signage, all to ensure the safety of the owners, the livestock, and county residents.
- * The ICPC will need to make a recommendation tonight to the July 8th County Commission meeting.

Planning Commission & Staff Discussion:

- * Erick Cox noted that in the South Mountain Development there is a livestock trail that goes through private property. He recommends the trail be realigned to follow the street instead of through each residential property.
- * Reed stated that this map will continue to be refined and if there needs to be changes, they will contact Kendal Allan in the IT department to fix those.
- * Michelle Tullis shared that she reached out to two Cedar City council members regarding road speed limits and livestock trails on those roads. They were not aware of anything in place regarding speed limit determining routes.
- * Marilyn Wood noted that most of the stock trails within city limits are along roadways.
- * Erick Cox asked Sam Woodall to explain the word “reasonable” in the ordinance.
- * Sam explained that it means to take into account the circumstances related to a specific road. For example on Hwy 56, it means to get notices up 24 hours per day, signage, and somebody there to help the livestock cross the road. Other roads may not require that.
- * Ken Carpenter shared that law enforcement is usually notified by the farmers and ranchers to assist with livestock drives.
- * Marilyn Wood shared that lighted blinking signs were used in Parowan Canyon recently. Parowan City officers assisted. The livestock owners were very grateful.

- * Scott Stubbs noted that at the last meeting, there were some issues but the group came together and worked through it. The livestock owners are not trying to interfere with people's lives, but it's what they do, they feed people.
- * Reed shared that Diane Stiller is in attendance from New Harmony in Washington County. She reached out and wanted a copy of the map. He agrees it is a good idea to share this map with all the cities and the adjacent counties so they can recognize the designated routes and coordinate alignments.
- * Scott Stubbs has shared this info with the Farm Bureau and other counties so they can see the value.
- * Matt Rhodes noted that there is value in this beyond just the livestock trails. This information will help UDOT when they are planning underpasses. The map is a great tool and could be shared with residents in the construction areas as well.
- * Rich Wilson shared that the county sign department has "Livestock Moving Ahead" or "Livestock Following" signs that can be used with receiver hitches. They can be checked out from the county sign department or there may be an option to purchase signs from the county, as well.
- * Scott Stubbs, representing the Farm Bureau thanked everyone for all the work in creating the map and working through the issues.

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

- * **Motion:** Jared Christensen made a motion to recommend to the Iron County Commission that Ordinance 2024-5 adding Section 17.30.090 – Designated Livestock Trails, identified in agenda item 6, be approved.
- * **Second:** Seconded by Erick Cox.
- * **Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

7. CONTESTED ALUP APPLICATION – “Guest House” Christopher Larrison (3.59 Acres)

1223 S Cedar Bluff Drive, Cedar City, UT (APN: D-1139-0010-0079-0000)

Introduction:

Reed Erickson shared the following:

- * This is a contested Administrative Land Use Application so it must come before the planning commission when the staff's suggested mitigations are not resolved to the satisfaction of the protester.
- * Letters were mailed to the adjacent property owners in Cross Hollow Hills and North Ridge at Cross Hollow Hills.
- * The applicant's site plan shows the new guesthouse located just to the side of the existing house. There is quite a bit of vegetation and topography throughout and it is not very visible. The guesthouse is approximately 600 square feet.
- * The property owner to the east sent a letter stating the proposed guesthouse is a detriment, inappropriate, and did not want the potential of rental properties in the area.
- * The protesting adjacent property owner did not supply a phone number or email so he was mailed a letter explaining that his concern would be considered at this meeting.
- * He suggested the applicant go talk to the neighbor, but the applicant didn't feel that was necessary.
- * Neither the applicant nor the neighbor are in attendance at this meeting.
- * The ALUP notice that is being considered is standard for guesthouses with nothing unique or different about it.

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

Motion: Michelle Tullis made a motion to direct the Iron County Staff to issue the "Contested" Administrative Land Use Permit for Christopher Larrison, for the property identified in agenda item 7.

Second: Seconded by Laine Sutherland.

Motion Passed: (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

8. ZONING DISCUSSION FOR THE KANARRAVILLE TIER II AREA (Agriculture Protection Area Application)

Introduction:

Reed Erickson explained the following:

- * The discussion tonight is to begin the planning process to fix some of the Tier II boundaries and some of the zoning around some of the municipalities.
- * The information given tonight is an introduction, so there is no rush or urgency for a decision.
- * The staff has talked for a long time about fixing zoning and tier boundaries around our municipalities. In 1980 or 1982, when the county first starting zoning, they were zoned around the municipalities for small lots. There were no septic tank density analysis studies done at that time. The growth was much slower then. Now, 45 years later, there has been a septic study and due to a recent issue, it is time for the county to take a closer look at this and make changes.
- * Recently, in Kanarraville off of 500 North, we had an issue of a 7-acre piece of property.
 - o Jared Cornelius applied for an Agricultural Protection Area on the property.
 - o As Reed reviewed the application, he found it wasn't eligible because it is zoned R-1. The property must be zoned for agriculture. The county does allow agriculture in R-1, the limit is 10 animals. Jared has approximately 2000 sheep when lambing.
 - o The applicant didn't realize it was R-1.

- * Some parcels in Kanarrville straddle both the city and the county on the map. These also need to be cleaned up.
- * The Septic Tank Density Study, in Kanarrville, shows there are 498 existing lots. This means that only 73 more available lots would be allowed septic. The county needs to re-evaluate some of the zoning and have been waiting for Kanarrville to determine their annexation policy.
- * In 1995, when the county instigated the tiering system, it was off of each of the city's plans of growth areas, which was required by state law.
- * The county assigned the potential annexation area to be called Tier II.
- * When looking at rezoning some of this could be done with a tier change. Please consider:
 - o Originally the county's Tier II area was where the municipalities intended to grow, but now their plan is supposed to only represent that area in which they expect to grow and can extend their services out for 20 years. The municipalities are not following that very well.
 - o Over the years, the county plans and the municipality plans have changed so they don't resemble each other any longer.
 - o In 2005, the county made changes stating property in Tier IV cannot be subdivided if it is less than 20 acres because there is not infrastructure there. This was done so there aren't thousands and thousands of 1-acre and 1/2-acre lots like there are currently in the western part of the county.
 - o Subdivision could happen in Tier II where expected higher density of growth would be. For example, Cedar City wanted to annex 80 acres above 3000 North, but they couldn't because it wasn't in their annexation policy plan even though services are available there.
 - o In Tier III, when resorts or villages are added, the developers have to step up and bring the services in.
 - o Kanarrville is not wanting to expand their water system or add sewer, so it is not growing. They are actually de-annexing one parcel currently.
 - o Several questions to ask ourselves are:
 - What do we want to do within Tier II?
 - Do we provide another Tier II option for people who do some kind of development? How big should it be?
 - Do we want to still concentrate development around a community and have that kind of density even it's on septic for anything less than 10 acres?
 - Where should the Tier boundary be?
 - Do we want to break up large areas into smaller pieces or should it be 20-acre lots or larger?
 - o One idea would be to rezone areas from R-1 to R-5 even though they can only have 10-acre lots because of septic density requirements.
 - o If we leave Tier II in a large area, we could zone it RA-20. Then in the areas closer, we could do R-5 and allow the parcels to be split.
 - o There is no reason to have any R-1 in the unincorporated Iron County. It should be at least R-5, but we need to decide how far out to go.
- * The county should review and identify A-20 and RA-20 areas so we don't have big industrial agricultural development in a residential area. We can protect the municipalities and the residential development with RA-20 around it. It would not have to be in Tier II. No action is required by the ICPC tonight, as this is an introduction only.

Erick Cox asked if rezoning to R-5 would help Jared Cornelius and Reed explained that a 5-acre parcel can qualify for ag protection, but not R-5 zoning. R-5

zoning only allows for 25 animal units. RA-20 allows for 100 animal units, which still isn't enough. Jared decided not to go forward with the Agricultural Protection Zone. Reed felt it was important to discuss the zoning and tiering with the ICPC anyway.

Erick asked if this issue also exists in Newcastle and Reed explained it exists in the Tier II and Tier III throughout the county so it needs to be addressed.

Laine Sutherland asked why Jared cannot apply for the Agricultural protection if he was there first and if there is anything in place to protect ranchers.

Reed explained his property is a legal pre-existing non-conforming use, but it has been R-1 for 45 years. In about 2005 the animal numbers were changed. Our ordinances would not drive him out, but neighbors could with nuisance complaints through the courts.

He can't get a new protection area because he is not zoned to do what he is already doing. He can't move forward, but he is grandfathered in. Since he's getting complaints, he wanted to help fix it, but since he is grandfathered in, he'll just continue it as is.

Laine asked why it affects him since he was there so long prior.

Reed explained this happens with anything when people move next to it and they don't like it. This happens all over the country.

Marilyn Wood stated it is smart to do an Agricultural Protection if it is zoned properly.

Laine asked if the county could fix the parcels near Kanarrville that are both in the city and the county.

Reed explained that the zoning issues are county wide, so Reed suggested starting somewhere and talking about each area a little at a time similar to how the transportation plan was done. He recommended starting with Kanarrville, then Newcastle for the Tier III, then Paragonah for the Tier II.

Chelsea Boxwell suggested creating a new R-10 zone to buffer around all of the Tier II areas.

Reed thanked the planning commissioners for the discussion and asked them to look over the map, and asked them to come prepared to discuss it at next month's meeting.

9. MINUTES... consider approval of minutes for the June 6, 2024 meetings.

Motion: Erick Cox made a motion to approve the July 2, 2024 meeting minutes.

Second: Seconded by Jared Christensen.

Motion Passed: (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

10. STAFF REPORTS... A. Building Department B. County Attorney C. Planner & Services Coordinator

None.

11. ADJOURN

Chair Tullis adjourned the meeting at 7:25 pm.

Minutes Approved August 1, 2024 by the Iron County Planning Commission



8/2/2024
