

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
MINUTES  
**October 3, 2024**

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The Iron County Planning Commission held its regularly scheduled meeting Thursday, October 3, 2024 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah

**Members**

Michelle Tullis – Chair  
Erick Cox  
Laine Sutherland  
Mark Halterman

**Excused**

Roger Thomas  
Jared Christensen  
Michael Platt

**Staff**

Reed Erickson	Iron County Planner
Nate Dennett	Iron County Building Dept.
Sam Woodall	Iron County Deputy Attorney
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Dept.

**Others Present**

Stoney Shugart  
Tyler Melling  
Paul Cozzens  
Bob Platt  
Aaron Myer  
Warren Lewis  
Spencer Bowman  
Quinn Ehle

**Representing**

Kanarraville  
DDJ Development  
IC Commissioner  
Platt & Platt  
Self  
Self  
Self  
Self

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Michelle Tullis opened the meeting at 5:30 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.

Reed Erickson excused Roger Thomas, Jared Christensen, and Michael Platt and noted that the four remaining planning commissioners do make a quorum and motions must have all four votes to be approved.

**3. TIER II GENERAL PLAN AMENDMENT – “Tier II to Tier IV” near Kanarraville Town**

**Located east of I-15 and west of Kanarra Mtn (BLM) – South of Bumblebee Springs Rd and the Iron County/Washington County boundary** Applicant: Iron County

**Introduction:**

Reed Erickson shared the following regarding the proposed General Plan Amendment changes to Tier II near Kanarraville Town:

- This agenda item is an ongoing discussion and will continue to be discussed in future meetings.
- No action will be taken tonight, but a public hearing will be held at this meeting.
- The County has reviewed the Tier II and Zoning in the Kanarraville area and will do so throughout the County.
- In 1980, the County attempted to project areas of growth around municipalities.
- In 1995, the tiering system was created as follows:
  - Tier I: Areas within a municipality.
  - Tier II: Potential grown area determined by each municipality. The state legislature required this to be done.
  - Tier III: New Communities that are not incorporated, but have some infrastructure and sense of community.
  - Tier IV: Everything else (rural, undeveloped, no services, and not eligible for urban densities).

- In 2000, the Subdivision Ordinance was revamped to include regulations for densities, water and sewer connections, road frontage, etc.
- The state legislature has changed the Tier II requirements over the years so the County needed to make changes to align the County's Tier II with the municipalities' Annexation Policy Plans.
- Around 2003-04, CICWCD requested a Cedar Valley Septic Density Study and regulations were changed in 2005 to reflect the study determinations (i.e. 5-acre minimum for septic for new lots).
- In 2005, the County created an ordinance to focus on Tier II and III to include regulations for higher density housing. This initiated changes to the subdivision ordinance that included several options with higher density housing with smaller lots where water and sewer were available.
- In 2021, the County approached the CICWCD and asked for a septic study to be done for other portions of the County.
- In early 2023, the results were presented to the County and the County adopted regulations to meet the recommended septic tank density in four study areas. In Kanarrville, this changed the septic acreage size to a 10-acre minimum.
- The County recognizes that the changes have created confusion in Tier II areas because zoning does not match or promote the current General Plan or tiering system. The zoning has not been changed since 1980.
- The County is now reviewing, recommending changes, seeking input regarding those recommendations, and will create policy to coordinate the zoning and tiering systems.
- To help clarify, Reed read the County zoning policy:
  - Zone changes are legislative land use decisions made by the County Legislative Body (County Commission) with broad governmental discretion and must advance some legitimate public interest. The standard of review to grant or deny a zone change can be described as 'reasonably debatable' and in addition to items 1-13 listed above, public concern/input can be seen as an acceptable factor in considering public interest. This list of evaluation criteria shall not be deemed as a checklist with any regulatory implications or to qualify any particular application or property to be granted a zone change.*
- Tier II boundaries for Kanarrville were determined in 1995 and have never changed, but Kanarrville's annexation policy plans have.
- The Septic Density Study is one of the tools the County is using to determine changes. The study showed the following regarding Kanarrville:
  - The nitrate level is 1.5, but could go up to 3.5 safely.
  - Using the study recommendation chart, if the level goes to 3.5, the average flow rate would allow 425 septic systems before it would exceed that nitrate limit.
  - The study shows the allowed acreage to manage the nitrates is 12.5 minimum acres, but to better manage it, the County changed it to a minimum of 10 acres.
  - There are already 498 individual legal lots of record in the Kanarrville study area, which exceeds the recommended number by 73, so everyone must recognized it is a first come, first serve basis for adding septic systems. Making tiering and zoning changes will help provide some opportunities for other development since all 425 septic systems won't be developed right away.
- The Tier II boundary changes discussed by staff includes moving the boundary closer to Kanarrville on the south end and then separately around the Chekshani Cliffs subdivision, even though it is not connected.
- To make this meaningful, we need to bring the zoning in line with the tools that are the tiering, subdivision ordinance, and septic density study. Considering the existing properties and ownership of multiple contiguous properties and parcels split between Kanarrville and the County, changes would include:
  - Rezone Residential 1-acre and Residential 2-acre to Residential 5-acre
  - Rezone the rest to Rural Agriculture 20-acre
  - Keep Chekshani Cliffs, Phase 1 as Residential 1-acre, but change Chekshani Cliffs, Phase 2 to Residential 5-acre.
- The County and Kanarrville have worked together to evaluate tiering, zoning, annexation, and what makes the most sense.
- Within the County ordinances, there are two components that can be changed--the general plan and zoning.
- Tonight's public hearing was posted on bright yellow paper in public areas around Kanarrville, but the signs were small. The discussion will continue at November's Planning Commission meeting to allow further input.
- Reed's meeting with the Kanarrville Town board will be held in November.
- Kanarrville does like the proposed zoning and tier changes especially to the larger lots because it buffers development, protects ground water, and because they do not want to change their current town boundary.

Reed suggested opening the public hearing for both Agenda Items 3 & 4.

**Public Hearing:**

Chair Tullis opened the public hearing for Agenda Items 3 and 4.

The following comments were made:

- Aaron Myer asked for clarification regarding property in the outskirts of Tier II, what it would be rezoned to, and if the animal units would increase.
- Reed explained it would be Rural Agriculture 20-acre and the animal units would increase noting that in all cases this zoning allows more uses that it did as Residential 1-acre.

**Close Public Hearing**

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion – no action**

Reed reviewed the list of 13 considerations that are reviewed when doing a zone change.

**4. ZONE CHANGE APPLICATION – “R-1, R-2 & A-20 to R-5 & RA-20”**

**Located east of I-15 and west of Kanarra Mtn (BLM) – South of Bumblebee Springs Rd and the Iron County/Washington County Boundary** Applicant: Iron County

Discussed in detail in above—refer to Agenda Item #3, as items were combined for discussion and public hearings.

**5. ZONE CHANGE APPLICATION – “R-½ to R4K” (16.5 Acres)**

**Located near 3200 N 2300 W, Cedar City, UT (APN: D-0620-0001-0000)**

Applicant: DDJ Development, LLC, c/o Spencer Jones

**Introduction:**

Reed Erickson shared the following:

- This application is to rezone to R4K a portion of the property rezoned earlier this year from R-5 to R-½.
- It is located south of Monarch Meadows subdivision and north of 3000 N.
- Forty acres were previously annexed into Cedar City. The remaining 80 acres is in the County and was recently zoned R½.
- The area has central water and sewer, good transportation, drainage provisions, etc. so they are requesting it be rezoned to R4K.
- Cedar City’s portion is zoned R-2-2, which means it can have up to eight units per acre.
- Tyler Melling represents the applicant and is here to answer questions.
- The County’s ordinance for R4K states:
  - R4K stands for Residential 4,000 square feet so the lots can be as small as 4,000 square feet.
  - The parcel has to be between 5 and 20 acres. This parcel is 16.5 acres.
  - The land has to have the ability to provide central water for fire flow and central sewer.
  - The street width must be 45 feet with curb, gutter, and sidewalk.
  - There must be additional common parking areas for guests because of smallness of the lots.
  - There must be two points of ingress-egress.
  - There must be an additional outside storage area.
  - There must be a common park/playground area.
  - There must be some kind of an HOA or Homeowners Association with a restriction of owner occupancy stating that no more than 30% of the units can be rented. The HOA must track the owner occupancy ratio.
  - The goal is to have better housing opportunities, more affordability, with services and infrastructure.
- This 16.5-acre parcel will be part of a larger master planned community of 40 acres (including incorporated lands), which will include townhouses.
- When the subdivision request comes in, the higher density housing will be in their proposal. They are planning to keep the northern area lower density and the southern area higher density. This fits in the R4K ordinance for single family and townhomes.
- Services available include water with the CICWCD, Cedar City sewer, gas, power, and communications.
- The property borders the Stevensville Ditch on the west edge, so they will have to preserve the flood drainage channel setbacks for the ditch and take care of drainage for the development.
- The master development plan will be both in Cedar City limits and in the unincorporated part of Iron County so some coordination will need to take place regarding plans and services.
- The zone change request would allow their planned development using the regulation laid out in the R4K criteria.

**Public Hearing:**

Chair Tullis opened public hearing:

- Tyler Melling, representing DDJ Development, shared the following:
  - The applicant has acquired the entire Adams Farm(120 acres) and are also developing 1-acre lots on the west side of 2300 West called Estates at Sunrise Ranch.
  - They want to develop a cost effective product that meshes Cedar City and Iron County infrastructure and will complement their other development along 2300 West.

- The lower piece of the farm (40 acres), which was annexed into Cedar City, was initially zoned for twin homes, but the residents of the Flying L subdivision were worried about property values. Even though high-density housing does not affect property values, the applicant decided to find a way to mitigate the concerns.
- The plan called for 320 units on the lower 40 acres parcel alone. They decided to change the plans to have single-family detached units along 3000 North and along 2300 West and then put in townhomes instead of twin homes on the inside. These changes worked for both the applicant and the neighbors. Cedar City did approve the changes.
- The seller, prior to closing, requested the property going north be zoned R-½.
- The applicant would like it to be R4K and progress up to 1-acre lots the further up on the Adams Farm it goes due to the drainage. The drainage travels north so it needs to have lower density so the overall unit count does not go up.
- They will use a future development agreement to coordinate between Cedar City and Iron County for the entire project.
- The Cedar City portion will be eight units per acre.
- The County portion will be 3.5 units per acres due to the amount of water acquired for that portion.
- Rich Wilson asked for clarification on the roads and drainage.
- Tyler Melling explained:
  - There is a goal to connect at least one public road between the Cedar City land and Iron County land.
  - The road would be continuous, possibly with a bulb, not a cul-de-sac, for plows and garbage trucks to maneuver.
  - Minimal accesses on 3000 North and 2300 West will be discussed further as well.
  - They will work with both Cedar City and Iron County regarding water and drainage.

**Close Public Hearing:**

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion**

Reed stated:

- The County staff reviewed the plans and they feel if R4K is going to work anywhere this is a good a place for it to be.
- The development details will be worked out during a development agreement and subdivision process.
- The next public hearing on this zone change will be on October 14<sup>th</sup> at the County Commission Meeting.

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

**Motion:** Mark Halterman made a motion to recommend to the County Commission to approve the zone change application, R-½ to R4K.

**Second:** Seconded by Lane Sutherland.

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

**6. ZONE CHANGE APPLICATION – “I to A-20” (155.51 Acres)**

**Located near 530 N Buffalo Roam Rd (South of Desert Mound Rd at approx. 10300 W), Cedar City, UT (APN: E-4515-0000-0000)**

Applicant: Spencer Bowman

**Introduction:**

Reed Erickson shared the following:

- The applicant is requesting a zone change of 155.57 acres from Industrial to Agriculture-20.
- The property is located west of the valley off of Desert Mount Road and borders BLM land on two sides with private owners on the other two sides.
- Everything around the property is zoned Industrial and it is located between two Industrial Protection Areas approved by the County in 2023.
- Originally, the proposed Industrial Protection Area was quite large, but when the plan was reviewed by the County Commission, it was cut back to include only property wherein the applicant had 100% ownership.
- The staff is concerned that since this property is surrounded by Industrial zoned property, changing it to A-20, allowing residential, will put residents too close to an Industrial Area.
- The purpose of zoning is to try to put similar uses together that don't have adverse effects on other uses. Industrial and Residential do not go well together.
- Many years ago, when the mine was closed people began to build houses in the area. Now the mine is open again and operates the railroad. Many complaints have come in from residents regarding noise and blasting and the mine owners are frustrated because it is an Industrial Area.
- Trying to mix uses and maintain integrity of the area is the challenge we have with zoning. This is in a Tier IV area and has been zoned Industrial for a long time.
- The applicant's desire is to build a home on the property. Some building has already started that is not allowed in the zone.
- The redeeming part of this situation is that it is not in the heart of the Industrial Area. Some may say the likelihood of Industrial coming in right next to this property is currently slim because the BLM owns adjacent property, but there is no guarantee the adjacent property will always be owned/managed by BLM.
- If zoned A-20, it would be considered agriculture and would be eligible for a residence to be built.

- The rail that serves the mine does go across the northwest corner of the subject property, which includes a 25 foot easement on each side of the rail through the property.
- The challenge is looking at it from the standpoint of what zoning does and what that area should be in the future. The Planning Commission needs to determine the recommendation that should go to the County Commission.
- The staff recognizes the challenge of trying to maintain integrity of an Industrial Area and still try to accommodate the interest of individual property owners.

**Public Hearing:**

Chair Tullis opened the public hearing.

The following comments were made:

- Bob Platt stated:
  - Platt and Platt created the zone change map/application.
  - The house is being built, but the applicant is already living there so it is being used as a residential property.
  - Mr. Bowman is not planning to divide the property into several parcels.
- Quinn Ehle stated that she does not know the owner, but feels that property owners should be able to live on their property so the zone should be changed.
- Spencer Bowman stated:
  - He has been buying the property for a long time and has finally paid it off.
  - He has his own water and is not asking for any County assistance or services.
  - He just wants to be allowed to change the zoning to agriculture so he can tend his orchard, raise his animals, and watch the train go by.

**Close the Public Hearing:**

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Erick Cox shared that along the top of the ridge of the BLM property there are lightning strikes so no industrial will be done in that area. He asked for clarification on how and why the BLM land is zoned Industrial.
- Reed explained that the County determines zoning on public lands so that when a use comes through on public land the allowed uses have already been identified. This area, in 1980, was zoned as industrial because of the substantial mining occurring in the area at the time.
- Mr. Bowman shared:
  - His residence has been on the property for eight months.
  - Previously he had a business out by the landfill, but found out after he had it permitted that a restaurant was not allowed since it is in an Industrial zone. He applied for a zone change from the Planning Commission and wants to do the same now.
  - This property is a patented mining claim that originated from US Steel for staging. He is not expecting any mining on it, but maybe solar farms below it.
- Reed stated:
  - The challenge the Planning Commission and County Commission has is to determine what the long term effects of putting residential in a mining or industrial area are, and what impacts that will have.
  - Changing the Industrial Area could be an option to allow more residential, but he suggested the commissioners look at it historically and how that would affect the people building close to the active mining area and the affects to mining and industrial uses
  - Some may say this request is not a big deal by itself, but then the next person comes in and then the next, and mining and industry get closer to houses because it was not protected.
  - The house was built without a building permit and in a zone that does not allow a residence, so that is the reason for the application.
- Laine Sutherland shared:
  - He would like to change the industrial area so more residential could be added.
  - There is no need to protect anything in that area that borders BLM land including the area between the two industrial protection areas. It should be zoned A-20 so the owners can do with it what they choose within the A-20 zone requirements. The owners should be notified if their property borders the industrial area.
  - The entire industrial area needs to be discussed further.
- Reed stated:
  - Fairly recently, a hot plant was put on BLM land without a permit and the County is currently working through that zoning violation.
  - There is history of tailing piles and concrete batch plants on the Industrial Area land, and there is no way of knowing if that will continue.

- If residential is allowed in the Industrial Area, it will decide the Industrial Area's future by restricting its ability to grow as a mining or Industrial Area.
- The mine already borders BLM land.
- There are properties in the area that are zoned A-20 where the rail goes through it. The owners who live close are already having issues with blasting, the use of the rail, and horn noise.
- The area has historically been used and designated as Industrial, but property owners may not have understood that when buying adjacent to it.
- Even if a property owner understands what it's like to live in an Industrial Area, that does not keep the next owner from complaining.
- Bob Platt asked and Reed clarified:
  - A property zoned Industrial cannot request a CUP for a residence.
  - Rezoning the portion that the house is located on would solve Mr. Bowman immediate issue, but not the conflict of Industrial and Residential in the same area.
- Chair Tullis clarified that if the property were not rezoned, Mr. Bowman would be in violation for having a residence.
- Reed noted that the next public hearing will be October 14<sup>th</sup> at the County Commission meeting.

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

**Motion:** Erick Cox made a motion to recommend to the County Commission to approve the zoning change from Industrial to A-20 for the 155.57 acres.

**Second:** Seconded by Laine Sutherland.

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

**7. FLOOD CHANNEL DISCUSSION – Parowan Creek – Amending the Subdivision Construction and Design Standards – Flood Channel Setback Standards Sheet #2**

**Introduction:**

Rich Wilson shared the following:

- The biggest challenge to amending the setback standards for the Parowan Channel is the majority of the burden falls on the County.
- Some property owners own property on both sides of the channel and may be impacted on both sides.
- In Section 1, between I-15 and 200 South, the Flood Channel Study recommends that the top of the channel be 108 feet wall to wall just to handle the flow.
- To clarify, the term 100-year flood means:
  - The 1% annual chance of flood is called the 100-year flood, but it is a 1% chance, statistically, of it happening in any given year. It has a 26% chance of occurring within 30 years, and a 39% chance of occurring within 50 years.*
- A 100-year flood is a misnomer. For example, in 1983 and 1984, it happened back to back.
- The study projections for a 1% event would mean the channel needs to handle 4800 cfs. Otherwise, all of Parowan will flood.
- If the County does not act upon this information and improve the channel, the new FEMA maps will show all residents of Parowan have to have flood insurance.
- Educating the residents will help get people on board with the channel improvements.
- Regarding cost:
  - The cost-to-benefit ratio on the west side of I-15 is not currently there because it is less than 1, so that portion will not be funded.
  - The east side does have a minimum of 1.1 to 1 cost-to-benefit ratio due to the current and projected development. Two and a half years ago, the cost of improvements was \$68 million and that number keeps going up.
- The proposed setback is 110 feet from the center of the channel. Current owners and potential buyers likely don't know that. When there is a driveway next to the channel, the channel will need to be moved away from that driveway.
- When asked if the County will pay the landowners, Rich explained that nothing will happen until the owner wants to subdivide and develop the land, then there will be conditions. This process is to put the planning and zoning in place so we are ready when that time comes so the parties can move forward and discuss details.
- If the County and Parowan City want to take away the liability of flood insurance for the whole town, there would have to be property acquisition. A portion of the cost of \$68 million from two years ago included property acquisition.
- The setback is not the same along the entire length of the channel. It changes based on how far away a structure must be so it does not impede the flow.
- The County is including 29.5 feet within the setback for maintenance.
- Creating the appropriate setbacks proposed will help when new developers bring in their plans.
- Historically the channel was used as an irrigation ditch, but since the Brian Head fire, it is slightly wider. It can only handle 1000 cfs and will need to handle 4800 cfs to keep the entire area out of a flood zone.

- Due to the flatness of the terrain, the channel cannot go deeper; it will have to be wider. This will also benefit those who irrigate out of this channel.

**Planning Commission & Staff Discussion:**

- Reed explained that the staff is requesting the Planning Commission to recommend to the County Commission to adopt the construction and design standards regarding the flood channel setback standards.
- Laine Sutherland asked if the Planning Commission does pass the ordinance, would the County have to have any financial commitment at this time.
- Rich explained that this is not the final plan; the details must be addressed before any financial commitment is required.
- Reed shared that amending the ordinance will allow the County to work out the details as development comes.

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

**Motion:** Erick Cox made a motion to recommend to the County Commission to approve the flood channel setback standards noted in Agenda Item #7.

**Second:** Seconded by Chair Tullis.

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

8. **MINUTES...** consider approval of minutes for the September 5, 2024 meetings.  
Item #3 needs corrected from airport road, to cross hollow road or aviation way.

**Motion:** Laine Sutherland made a motion to approve the September 5, 2024 meeting minutes as corrected.

**Second:** Seconded by Erick Cox.

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

9. **STAFF REPORTS**

- A. Building Department – none
- B. County Attorney -- none
- C. Planner & Services Coordinator -- none

10. **ADJOURN**

Chair Tullis adjourned the meeting at 7:18 pm.

Minutes Approved November 7, 2024 by the Iron County Planning Commission



10/4/2024