

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
MINUTES
November 7, 2024

The Iron County Planning Commission held its regularly scheduled meeting Thursday, November 7, 2024 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah

Members

Michelle Tullis – Chair
Erick Cox
Mark Halterman
Roger Thomas
Jared Christensen
Michael Platt
Laine Sutherland

Staff

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

Others Present

Wes Brockbank
Travis Chambers
Shelby Carpenter
Joseph Prete
Jared Holt
Tyler Allred

Representing

Bassett Homes
Outpost X
Self
Outpost X
Bar V Holdings
Mayor, Kanarraville

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Tullis opened the meeting at 5:30 m
Mark Halterman 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.

Agenda Order Change: Chair Tullis noted a change in the agenda. Item #5 will be discussed first since most of the attendees are in attendance for that item.

5. CONDITIONAL USE PERMIT APPLICATION – “Resort Lodge” (243 Acres)

Located near 8400 N 2400 E, Beryl, UT 84714 (APN: E-1256-0006-0000- & E-1256-0005-0000)

Applicant: Exotics BnBs LLC, Travis Chamber with Attorney Joseph Prete

Introduction:

Reed Erickson shared the following:

- This application is for a resort lodge on property that has previously been granted an administrative land use permit for guesthouses.
- The property is located in the Beryl/Escalante Valley taking access from Beryl Hwy at 7200 North, going east.
- The resort lodge is a Conditional Use Permit in an A-20 zone.
- The applicant wants to expand the use and allow for more accommodations than the original number of guesthouses allowed.
- This request is for 7 guesthouses. Seven is the limit allowed on a non-public water system.

- After discussion with Southwest Public Health & DEQ, all agree a residence is not the same as a nightly rental. Instead of limiting them to 7 guesthouses, they will be allowed 25 people on a non-public water system. The average people per household is 3.11, but since the guests are not full-time occupants, 25 people could still be accommodated on a non-public water system. Moving forward, instead of stating 7 units allowed, the total would not be able to exceed 25 total people. If they exceed 25, they must switch to a public water system and meet additional requirements when or if that happens.
- For the original 7 units, the applicant has 30,000 gallons of fire suppression water connected to a dry hydrant. Fire code requires that no structures may be beyond 1,000 feet from the dry hydrant. Anything further away would have to have another source of water for fire suppression.
- If they switch to a public water system, the number of units is only limited by water rights and system capacity/design.
- DEQ regulates septic if they use more than 5,000 gallons per day. Southwest Public Health regulates septic if they use less than 5,000 gallons per day, which is what is happening currently.
- The current 7 guest house units are clustered together, but 4 are on one lot and 3 are on the other. They all are within 1,000 feet of the dry hydrant (fire suppression water).
- The “resort cabins” have a futuristic sci-fi style. They are not all the same, but fit well with the landscape. The applicant has worked well with building/zoning to meet building code.
- The plan is to have 12 total units to house up to 25 guests.
- The entrance to the property is off of 7200 North which is a pretty good road built by nearby residents. 7200 North is not dedicated nor maintained by the county.
- The applicant built the 12-foot road going north off 7200 N, but would have to widen the road to 20 feet when they exceed the 25-person limit.
- One resident northeast of the resort property sent a letter concerned about the road accessing their property. Reed responded that the development was south and west of them and the neighbor was fine once it was explained to him.
- Concerns that the county has are included in the CUP: traffic, road condition, noise, dust, not requiring full fencing, and clear markers of where the property lines are.

Chair Tullis invited the applicant to share additional information. No additional information was given.

Roger Thomas clarified and noted:

- He has stayed at the resort as a guest - they did not know who he was.
- That a caretaker would be included as 1 of the 25 people maximum.
- The water use including laundry, kitchen, etc. is considered incidental.
- The project is currently following building code for IRC dwelling houses, but would have to change to IBC code if it becomes a commercial resort lodge.
- If the applicant stays at 25 people, they don't have to do the additional road and water improvements.

Mr. Bassett, general contractor clarified that if the applicant stays at 25 people, they do not have to make additional improvements such as widening the road or having a public water system.

Public Hearing:

Chair Tullis opened public hearing.

No comments were made.

Close Public Hearing:

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

Roger Thomas & Chair Tullis read the CUP Findings and Conditions Section 17.28.050.

- Erick Cox shared concerns about the vehicles racing in the dry lakebed and if the county needs a provision regarding dust.
- The applicant shared that the cruisers they use are golf carts and the maximum speed is set to 7 miles per hour.
- Reed shared that in the CUP #23, it states that the applicant will be proactive in controlling any dust pollution and if neighbors complain, the county can address the issues with the applicant.
- Travis Chambers explained:
 - * They try to mitigate the dust with water and gravel.
 - * The workers have been asked to not disturb other areas.
 - * All the walking areas are covered in crushed granite.
- Jared Christensen shared that he has heard good comments about the business and asked about 7200 North's quality as a road.
- Travis Chambers shared they have about 90% occupancy and that they have tried to be helpful in the community.
- Terry Palmer shared that 7200 North is holding up well and the traffic is not too heavy yet.
- Rich Wilson noted that 7200 North in middle of summer is always dusty, but not a bad road.

- Jared Christensen asked and Reed clarified that up to 5,000 gallons per day is allowed using a septic system before it goes to the jurisdiction of the Department of Environmental Quality. Keeping track of the use is done by counting fixtures such as taps, toilets, and the number of guests there are in each facility then determining how much each facility is using.
- Joseph Prete, attorney for the applicant, shared:
 - * His thanks for the discussion at this meeting.
 - * His thanks to Reed for how responsive, thorough, and thoughtful he has been to work with.
 - * Although this is zoned as A-20, it is a dry lakebed area and it is not conducive to agriculture.
 - * He believes this creative and fun project is the best use of this land and is a positive economic impact for the community.

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

Motion: Mark Halterman made a motion to grant the Conditional Use Permit for the 243-acre property identified in agenda item #5, as it has been found to be in compliance with the requirements of the Iron county Land Management Code, section 17.28.050.

Second: Seconded by Jared Christensen.

Motion Passed: (Voting: Michelle Tullis: aye, Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye, Jared Christensen, aye; Michael Platt, aye)

3. TIER II GENERAL PLAN AMENDAMENT – “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:

- At the last Planning Commission meeting, the tiering and zoning were 2 different agenda items, but consolidated into 1 single discussion and public hearing.
- Tonight, agenda items #3 and #4 will be discussed together, but broken out into 2 public hearings and two actions.
- The next public hearing for both will be held at the County Commission Meeting on Tuesday, November 12th.
- For the past 3-4 months, the staff and planning commission have discussed and evaluated the Kanarraville area on how to update the county tiering areas to match the current land uses and put in line with the septic density study findings.
- Zoning around Kanarraville was done in 1980 and is still zoned the same, R-1.
- In 1995, the county adopted a general plan with the Tiering system to match each municipality’s expansion policy plan to determine boundaries. At that time, Chekshani Cliffs was included even though it is not contiguous with Kanarraville Town boundaries .
- The recent septic tank density study gave us the following information to work with:
 - * All areas studied could safely go to 3.5 nitrate level contamination.
 - * In Kanarraville, there are 498 lots of record, but the study only allows 425 septic systems unless they install their own pre-treatment system.
- The only tiering allowed to increase density is a Tier II area, so this proposal is to identify a reduced area of Tier II around Kanarraville.
- Within the new Tier II area, the zones would be changed to R-5 west of Kanarraville to I-15 and the remaining area would be RA-20.
- The recommendation for Chekshani Cliffs is to remain zoned R-1 because that is what the lot sizes are, but there is an undeveloped portion to the west and that would change to R-5.
- The Kanarraville Town Council will be meeting next Thursday to go over the annexing and de-annexing areas where lots split between the town and the county, which is not part of the public hearing this evening.
- The goal is to plan for the future of this rural area both in the town and the unincorporated area to balance the need to protect the groundwater and opportunities for people to use their property.
- Cleaning up the tiering and zoning will make it more clear to property owners on what their options are. The zones will align with other county requirements regarding septic, etc.

Public Hearing:

Chair Tullis opened the public hearing.

The following comments were made:

- Tyler Allred, Kanarraville Mayor, shared:
 - * Reed came and talked to Kanarraville officials about the changes, but no decisions have been made yet.
 - * There are 6 or 7 lots like this, including his sister’s property, that are split between the county and city or they may be in the county, but probably should be in the city. They all have city water meters.
 - * Changing annexation is a big project for Kanarraville and that will be the main topic at their next meeting.
 - * He doesn’t feel Kanarraville will annex property at this time, but maybe future leaders will want to.

- Reed agreed this will be worked on at the next time the board meets with him to discuss tiering, zoning, and annexation/de-annexation areas.
- Chair Tullis clarified with Mayor Allred that these 2 agenda items really don't have any concerns from the Kanarrville board.

Close Public Hearing:

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Reed clarified that this agenda item needs a recommendation to the County Commission on a general plan amendment to change the tier boundaries from Tier II to Tier IV.

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

Motion: Erick Cox made a motion to recommend for approval agenda #3 Tier II General Plan Amendment, as outlined in the presentation.

Second: Seconded by Roger Thomas.

Motion Passed: (Voting: Michelle Tullis: aye, Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye, Jared Christensen, aye; Michael Platt, aye; Laine Sutherland, aye)

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

Introduction:

Reed Erickson shared the following:

- This proposal is to change zoning in the Kanarrville area to including more 20-acre lots, less 1-acre lots, and some 5-acre lots.
- Due to the signage put around the Kanarrville area advertising this public hearing, he has received a surprising number of calls from people on the west side of I-15 thinking this would affect them, but since it does not they had no concerns.
- Some comments came from the Chekshani Cliffs area, but when he explained it, they understood the reasoning.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Close Public Hearing:

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Reed reviewed the evaluation considerations for re-zoning property noting the staff evaluates whether the uses that are identified in that zone are feasible.
- In this case, it is simple because the zones are going from a higher density to lower density zone.
- There are more use opportunities in RA-20 and R-5 than in R-1 such as higher animal numbers allowed.
- The zone changes include taking some R-1, R-2, and A-20 and rezoning to R-5, A-20, and RA-20.
- Tyler Allred shared:
 - * Kanarrville Fire Department only handles Kanarrville Town fires.
 - * If a fire is outside city limits, Cedar City Fire Department covers it.
 - * He asked that the staff and planning commission remember that as things are approved.

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

Motion: Michael Platt made a motion to recommend to the Iron County Commission the zone changes from R-1, R-2 and A-20 to R-5, A-20, and & RA-20 for agenda item #4 be approved as explained in the presentation and discussion.

Second: Seconded by Mark Halterman.

Motion Passed: (Voting: Michelle Tullis: aye, Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye, Jared Christensen, aye; Michael Platt, aye; Laine Sutherland, aye)

6. CONDITIONAL USE PERMIT APPLICATION to AMEND EXISTING CUP – “Agriculture Products Processing & Storage”

Digester w/ BioGas Generation (426.52 Acres)

Located near 198 South 1200 West, Newcastle, UT 84756 (APN: E-1066-0003-0000)

Applicant: Bar V Holdings, LLC & New Castle Biogas, LLC, c/o Jared Holt

Introduction:

Reed Erickson shared the following:

- This application has requested to amend the location identified on an existing CUP for agricultural product processing and storage, specifically a dairy digester and biogas generation system.
 - Jared Holt is in attendance representing Bar V Holdings and Escalante Farms.
 - The project is located west of Newcastle in an intensive agricultural zone, which is where this project needs to be.
 - This is a digester covered lagoon system that collects the gasses, methane primarily, and other gases that are used to generate electricity.
 - The previous location was south of this proposed location, but the economics of connecting utilities has affected the decision to use the previous location.
 - They plan to take the existing lagoon and rebuild that, put the cover on, and then build additional capacity.
 - Approximately a mile further west there is a CUP for another lagoon system where they can irrigate, with effluent, where it is closer to their fields.
 - This will replace the existing lagoon, closest to the dairy, and will increase capacity at the current location.
 - This CUP gives them the option to either generate electricity with turbines from the gas they produce, or they can run the gas into the pipeline as they continue to build out and look at options to sell the gas. The process and impacts are the same. This permit gives them flexibility.
 - This change will also help with odors, management of their effluent, and to utilize better technologies.
- Jared Holt added:
- Originally, the plan was to build north of this location to convert biogas to electricity. Then, they thought renewable natural gas (RNG) would work better, but the first CUP did not have that option so they proposed the south location.
 - The south location buildout was too costly for a single dairy so they decided to go back to electrical generation.
 - There are available credits from the industry that require them to start construction of this project by end of this year (2024).
 - Regarding the big lagoons, despite their best efforts and cleaning it out twice a year, there is a smell.
 - When they replace the current system with the new one, they would replace the liner and put a digester in ½ with a build out of storage and this would improve the smell.
 - For storm drainage proposed, the lagoon will need to be below grade to handle drainage. They have never had an issue and will be able to handle storm water.
 - They built the lagoon further west so they would always have extra capacity especially when cleaning the main lagoon.

Public Hearing:

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

Close Public Hearing:

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Jared Christensen ask what the reason is for having homes in that same zoning and if they are allowed.
- * Reed explained that they are allowed as farm worker housing and that the applicant is not asking for any zoning changes just a CUP.
- * Jared Holt also stated:
- * They would like to get all the options in place with this CUP so they don't have to keep coming back with changes.
- Currently the main digester lagoon will expand the footprint a little to the west, north, and south - Chair Tullis read the CUP Findings and Conditions (Section 17.28.050).
- Reed shared that he appreciates Jared Holt's effort he made to identify the amendments in the CUP.
- Erick Cox asked and Reed explained the CUP for the property to the south is superseded by the new CUP, but refers to it.

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

Motion: Jared Christensen made a motion to grant the CUP identified in agenda item #6, 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; Mark Halterman, aye; Roger Thomas, aye, Jared Christensen, aye: Michael Platt, aye; Laine Sutherland, aye)

7. **MINUTES**... consider approval of minutes for the October 3, 2024 meeting.

Motion: Mark Halterman made a motion to approve the minutes of the October 3, 2024 planning commission meeting.

Second: Seconded by Michael Platt.

Motion Passed: (Voting: Michelle Tullis: aye, Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye, Jared Christensen, aye: Michael Platt, aye; Laine Sutherland, aye)

8. **STAFF REPORTS**...

A. Building Department:

Terry Palmer shared:

- The building department has 39 more permits for houses and 11 more for commercial/industrial than they had at this time last year.
- The valuation is approximately \$500,000.00 more than last year to date.
- They are in the process of reviewing more upcoming projects to be approved by the end of the year.

B. County Attorney: none

C. Planner & Services Coordinator:

Reed Erickson asked the staff and ICPC to review dates for the planning commission meeting in January:

- The January planning commission meeting is scheduled for January 2, 2025, which is the day after New Year's.
- Should it be moved to January 9th since there are 5 Thursdays in January?
- The agenda will include a big solar project CUP.

Chair Tullis shared she would be here January 2nd, but not on the 9th.

The remaining ICPC members were available on the 9th so the meeting will be rescheduled to January 9th.

Erick Cox agreed to chair the January 9th meeting in Chair Tullis' absence.

9. **ADJOURN:**

Chair Tullis closed the meeting at 7:45 pm.

Minutes Approved December 5, 2024 by the Iron County Planning Commission



12/6/2024