

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
MINUTES  
**December 5, 2024**

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

**Members**

Michelle Tullis – Chair  
Mark Halterman  
Roger Thomas  
Jared Christensen  
Michael Platt

**Excused**

Laine Sutherland  
Erick Cox

**Staff**

Reed Erickson	Iron County Planner
Terry Palmer	Iron County Building Official
Merilee Wilson	Iron County Engineering Dept.

**Others Present**

Marie Zaphiropoulos  
Paul Cozzens

**Representing**

Zaphiropoulos Foundation  
Iron County Commissioner

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Tullis opened the meeting at 5:32 pm.  
Roger Thomas led the Pledge of Allegiance.

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

Chair Tullis asked for public comments.  
No comments were made.  
Chair Tullis closed the public comments.

Reed Erickson shared that Laine Sutherland and Erick Cox were excused and that Mike Platt would be arriving shortly.

**3. ZONE CHANGE APPLICATION – “I to A-20” (50.63 Acres)**

**Located near 11100 W Hwy 56, Cedar City, UT. (APN: E-0682-0006-0000) Applicant: Zaphiropoulos Foundation**

**Introduction:**

Reed Erickson shared the following:

- The property is located west of Cedar City off of Hwy 56.
- The parcel is approximately 50.63 and currently zoned industrial, and the applicant has applied for it to be zoned A-20.
- The properties on the north and east boundaries are industrial, a small portion on the west side is R-5, and the south side is A-20.
- Historically, the property has been used agriculturally and as pasture for horses.
- The applicant would like to sell the property and have it used as residential, which is an allowed use in an A-20 zone, but not in Industrial.
- The property is in a Tier IV area and west of Cedar City’s annexation area.
- A well is located on the property currently.
- Septic will be required when developed.
- Zoning changes are a legislative decision so the planning commission will need to make a recommendation to the county commission.

Reed reviewed the following with the planning commissioners:

- The Evaluation Considerations for re-zoning which allows a number of uses.
- The need for the planning commissioners to consider if changing the zone to an RA-20 instead of A-20 would make more sense.

Marie Zaphiropoulos, applicant, shared:

- When they bought the property in the 1990’s from Woolsey Ranch, they didn’t know it was zoned industrial and likely wouldn’t have understood what that meant.

- They don't want a lot of homes built there, but if someone could put a home on it and use it for horse property that would be their preference.
- They don't think industrial in that little section makes sense especially with residential around it, so they respectfully request this zone change be granted.
- The property does have electricity and water.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Reed noted that the zone change does fit with the evaluation considerations and the required utilities.

Roger asked for clarification on surrounding zoning, and asked why R-5 was previously allowed.

Reed explained it was prior to the current zoning ordinance.

Roger believes that the proposed zone change fits well with the surrounding property.

Jared Christensen asked and Reed clarified that the surrounding area was zoned industrial back in 1980, and it was included just because it was adjacent to the other industrial areas and near Hwy 56,

**Planning Commission Action – Recommend 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 Industrial to A-20 for the 50.63-acre property identified in agenda item #3 be approved.

**Second:** Seconded by Jared Christensen.

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

**4. ZONE CHANGE APPLICATION – “RA-20 to R-1” (40.93 Acres)**

**Located near 3750 W 4000 N, Cedar City, UT. (APN: D-0601-0002-0000 & D-0601-0004-0000)**

*Applicant: Valley Stratton Family Trust, c/o Bert Stratton Trustee*

**Introduction:**

Reed Erickson shared the following:

- The property is west of Enoch, west of Lund Hwy, and is currently zoned RA-20.
- Three sides of the property are zoned R-1/2 and one side is RA-20.
- The applicant would like the zone changed to R-1 for 1-acre lots for a subdivision.
- Services include available sewer off 4000 W and along 4000 N, and water from the Water Conservancy District.
- Since the parcel is more than 40 acres, it can be a standalone zone so surrounding zoning is not a deciding factor. Size, transportation access, water, and sewer are factors to consider.
- Transportation is available since 4000 N, which is a dedicated, improved county road and is maintained by the county.
- Mike asked and Reed clarified that they want it zoned R-1 instead of R-1/2 because they want a little larger lots and don't want to put in curb and gutter, which is not required in R-1.

**Public Hearing:**

Chair Tullis opened the public hearing and reviewed the meeting considerations.

No comments made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Staff discussion included:

- Jared asked and Reed clarified that allowing R-1 near R-1/2 does not affect the drainage because the R-1 properties are expected to manage their own drainage on their own property with on-site retention and barrow ditches.
- Reed noted that similar subdivisions, Estates at Sunrise Ranch and Painted Desert, are zoned R-1/2 and don't have curb and gutter due to an approved variation for each subdivision.
- Reed explained that when amending the ordinance, he did not take curb and gutter out of ordinance because in some places it does make sense to leave it in and it is possible to grant a variation due to the flatness of the area.
- Mike Platt, Reed, and Terry Palmer discussed the undeveloped areas around this property are zoned R-1/2 and they could discuss the impacts of curb and gutter with Rich Wilson at another time.

**Planning Commission Action – Recommend 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 RA-20 to R-1 for the 40.93-acre property identified in agenda item #4 be approved.

**Second:** Seconded by Jared Christensen.

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

**5. TIER II GENERAL PLAN & ZONING AMENDMENT – Tier II & Zoning discussion near Parowan & Paragonah**  
**Located in unincorporated areas around Parowan and Paragonah, Applicant: Iron County**

**Introduction and Discussion:**

Reed Erickson shared the following:

- This is a continued Planning Commission & staff discussion regarding updating Tier II and Zoning to match current land management documents. These changes are also intended to clear up confusion for property owners.
- The last planning effort was focused on Kanarrville. The planning commission voted to recommend changes to the County Commission who approved those recommendations at their meeting in December.
- Tonight's meeting will be about the Paragonah and Parowan areas.
- The group reviewed the results from the most recent septic tank study for Paragonah and Parowan, represented by shaded areas on a map presented.
- In Paragonah, the Tier II boundary is small with a couple of islands of county property.
- Paragonah's septic study results show they need to have a minimum lot size of 5-acres. They currently have 329 lots and could have 733 septic systems. More could be allowed and still not contaminate the ground water so the county determined 5-acre lots are allowed in that area where other areas in the county are a 10-acre minimum for septic.
- In the area surrounding Paragonah, there are County R-1 and R-1/2 zones that need to be evaluated.
- Paragonah is currently reviewing their annexation policy. The feedback so far suggests they are not interested in expanding due to their limited water system.
- As a reminder, Tier I areas are within a municipality and Tier II are the areas around the municipality where growth may occur.
- Paragonah's Tier II area is small because when tiers were created in 1995, Paragonah they didn't plan to grow much.
- With the evolution of the Tiering System, many areas are being developed, but will never be part of a municipality. Although, not all areas have the ability to expand due to resources available in the municipality. Even though surrounding property is not within city limits, it is still part of that community.
- Reed suggested a possible expanded Tier II area due to the number of lots that are 5 acres or smaller. There are more parcels that are smaller than 20 acres than there are larger parcels in the area proposed.
- Reed asked the group to consider if it makes sense to give opportunity for people to be able, in a septic density of 5 acres minimum, to take a 10 or 20-acre parcel and divide it into 5-acre parcels. In addition, to consider if that is a good planning strategy knowing that in the future there will eventually be a central sewer system if the area grows beyond the septic study recommendations.
- If the plan makes sense, the next step, within the expanded growth area, would be to rezone all those properties to R-5 and rezone all the R-1 and R-1/2 properties.
- Beyond that buffer growth area, consideration should be given to zone RA-20 to keep heavy agriculture further away from residential areas. Any existing lots would stay the same size even if they are within the RA-20 zone.
- The suggestions given tonight are just for consideration. The topic will be on next month's agenda for additional consideration.
- Reed will then meet with Paragonah and Parowan officials to get their feedback, and then the public hearing will be held at the February Planning Commission meeting.

Rich Wilson asked if it would be possible to carry the area west from 700 N (Bear Valley Road) down to 300 N, and then out to the interstate.

Reed explained that he didn't propose that because there is a road through the area that creates a natural boundary along the west side.

Taking it further north would add property that doesn't fit the intent of the Tier II area right now.

Reed shared the following regarding Parowan's Tier II area:

- Parowan does have interest in expanding and annexing.
- Showing a map of possible changes, he stated that holding back the Tier II boundary so that it is closer to Parowan, doesn't disrupt the growth pattern, and still provides areas for growth.
- Zoning would then primarily be R-5 within Tier II and RA-20 further out to create a buffer.
- Parowan's feedback will impact the proposed area for Tier II.

Roger Thomas asked if the plans for Tier II would help with canal issues south/west of Parowan.

Rich explained that the issues are already being addressed and will include required and approved county setbacks along the canal.

Rich shared that on the east side of Parowan, Alex Meisner's proposed annexation and subdivision is currently zoned R-1/2. With the proposed tier changes, the county would change the zoning to R-5 in that area, due to the septic study requirements.

Reed noted that Parowan is working on an annexation proposal for that property, so it may be annexed into Parowan City after they do their study, which includes a sewer system evaluation. He plans to coordinate with Parowan to include the area in their annexation plan.

Reed shared:

- The area near Red Canyon Estates is currently zoned R-5, are 20-acre parcels, and outside of current Tier II area.
- Several people have called to ask if they can split their 20-acre parcels into 5-acre lots.
- They currently cannot do that because of how the ordinance reads, so cleaning this up will help clarify for property owners.
- Infrastructure and the sense of community also needs to be considered to help plan for growth of a municipality, even though the plan could change again in 10 to 20 years when more growth has occurred.

Roger Thomas pointed out that the northeast corner of the map seemed off.

Reed clarified that the Tier II area may change once it is compared to the airport overlay and after Parowan's annexation plan is done.

Rich noted that lots in the northeast corner are split between both city and county, and these changes could clean that up.

Reed felt that when he proposed the clean-up of split lots to Kanarrville it took a lot of time and caused push back so he probably won't recommend it in other areas.

Reed stated that he will email the maps with the proposed changes to the planning commissioners so they can review them more closely.

Reed shared that he is currently getting calls each week asking to split lots that are not eligible to split. He stated that he believes the Tiering System has helped manage the sprawl of development patterns.

## 6. COUNTY CODE AMENDMENT – “Small Contractor Shop/Office” for R-2 & R-5 zoning districts

Applicant: Iron County

### Introduction:

The following topics will be discussed tonight, but a decision will be considered at the January 2025 ICPC meeting:

1. Small Contractor Shop/Office
2. Caretaker Facilities in Industrial, Light Industrial, and Commercial zones
3. Gravel Crushing for Onsite Use
4. Data Center Requirements

### Small Contractor Shop/Office for R-2 and R-5 zones

Reed Erickson shared the following:

- Currently the Table of Uses includes a Construction Shop/Office allowed in an A-20 zone with an ALUP, a Commercial zone with a CUP, and is permitted in the Light Industrial and Industrial zones.
- There appears to be a need to have a similar use in the R-2, R-5 and RA-20 zones, with an ALUP, that includes a business that is more than an expanded home occupation where no work will be done on the property, but the employees are coming to the property to get work supplies and equipment and then go to the job site.
- The main impact is vehicles/equipment storage and traffic/parking of the employees coming and going.
- The common uses, where neighbors complain, include early morning issues such as traffic, starting and warming up diesel trucks, and truck lights on until they leave.
- Solutions for these concerns could include no off-street parking, no business-related work conducted on the job site, only staging allowed, operating hours 7:00 am to 7:00 pm, no vehicles stored or parked in the required residential front yard, and to screen the storage area from adjacent properties.
- Currently there are a couple of these small businesses in R-2 zones that are in violation.
- The discussion for the planning commissioners and staff is to consider adding a use that would accommodate this type of business in these zones.

Discussion from the planning commissioners included:

- The impact this would have on neighbors.
- The size and number of vehicles/equipment allowed.
- If vehicles with a trailer and equipment on it are considered 1 piece or 2 pieces of equipment.
- What is considered staging vs. what is considered shop work.
- Businesses taking advantage of the rules and the difficulty to enforce them.
- Permitting this use would give small businesses an opportunity to exist, and the county could manage the uses with conditions.
- If R-2 zoning lots are large enough for this use.
- Conditions might include off-street parking, no front yard parking, limitation of tractor-trailers, size and weight of trucks/equipment, and diesel noise.
- These types of businesses are becoming more common and adding regulations would be a proactive step to give the county a way to regulate the impacts.
- How the size of the lots would determine the amount of trucks/equipment allowed, the amount of supplies allowed, and the number of employees allowed.
- Lighting and dust control.
- Weed control.
- Notification of adjacent landowners prior to approval.

This item will be back on the January agenda for further discussion.

### Caretaker Facilities in Industrial, Light Industrial, and Commercial Zones

Reed shared the following:

- The county currently does not have anything in ordinance regarding the opportunity for caretaker dwellings as either part of the building or as a separate individual single-family dwelling on a property with industrial or commercial businesses.
- In the past, a caretaker dwelling has been added through a CUP, but this could be challenged since it is not allowed in the ordinances.
- Currently, there is a request from the owner at Silver Peak Gas Station/Store in Newcastle to have a small living quarters on the back of the building for the days he works late and needs to stay there.
- The discussion may include whether this is an option at all in an industrial or commercial zone, whether it is a temporary use, or whether it could be a primary dwelling for a family.
- Optional wording for a caretaker dwelling states:
  - “Caretakers Dwelling” means a building, or portion of a building, used as a dwelling by a person having the care of the building, plant, equipment or grounds associated with an industry, business, office, or recreation area carried on or existing on the same site.
- Other standards to consider include whether it would be considered a primary dwelling, separate parking spaces required, and size limitations.

Discussion from the planning commissioners and staff included:

- Since the hours of the open business is 18-20 hours per day, what the impacts would be of having living quarters for the hours it is closed.
- How to regulate caretaker dwellings.
- If allowing this request would open the door for other unwanted caretaker dwellings.
- If allowed, the county could inspect for safety issues.
- If the dwelling would be considered as primary or secondary for tax purposes.
- Allowing small caretaker dwellings on construction sites would be a benefit to manage theft.
- The occupant needs to be the owner or an employee.
- The dwelling should not become a rental.
- The benefits of regulating land use laws, even if hard to enforce. The more regulation or ordinances in place makes it easier in the long run.
- Size and person limits to attached dwellings vs. detached dwellings.
- If a single-family is allowed, the dwelling becomes a residential home, which should not be in Industrial or Commercial zones.
- Limiting the size based on the footprint vs. the number of beds.
- Adding this option would mean the request would have to be granted if it meets the criteria and it would need to be reviewed to mitigate impacts.

### **Gravel Crushing for Onsite Use**

Reed shared the following:

- A-20 zones allow surface mines, which includes gravel pits. They are not allowed in RA-20 zones.
- The question is whether to add a new use so that RA-20 zones can utilize the mineral resources available on the land.
- The use would not allow excavating to be a permanent site, rather a local mineral resource. For example, the owner could excavate a hill onsite, pull out rock, screen, and reuse it onsite.
- This would allow an ALUP for a small gravel pit instead of having to do a CUP.
- The requirements could include depth, location and limited/approved surface area, the number of times per year for a crusher onsite, the number of times allowed to screen the rock, hours of operation, and dust control.

Discussion from the planning commissioners included:

- Allowing property owners to do what they need to on their property.
- RA-20 zones are not allowed this use even with a CUP so adding this use would allow RA-20 zoned areas onsite gravel work without having to rezone to A-20.
- Would allowing this use solve a problem or create a bigger one.
- Creating a grading permit was suggested as a solution, but the county commissioners previously did not approve it.
- Developers could benefit from this use.
- Clarification that this is not a gravel “pit”, rather onsite crushing and use and would have limitations. The purpose is to define the use to fit better because one size does not fit all.
- The option to use building permits to have a review of the plan and to regulate it, but it was determined that building permits are often started after the grading process.
- Limiting use to onsite only and how to regulate if they try to haul the gravel offsite and/or sell it.

Consensus was reached indicating that this is not something the planning commission wishes to continue.

## Data Center Requirements

Reed shared the following:

- The county does not currently have an ordinance relating to Data Centers, but there is an application coming for a large data center.
- The application will include 650 acres, have large buildings housing computers for different uses, and heavy power use.
- The data centers prefer to be near solar power plants due to the high power usage and the difficulty it is to transport the power across already full transmission lines. The data center does plan to have 4 forms of power for backup purposes.
- Data centers generate a lot of heat so water-cooling is generally involved.
- The data center will create a fair amount of noise.
- Since this is a new type of project for Iron County, the approach to the ordinance would be similar to the creation of the solar, wind, and geothermal energy ordinance and definitions.

Roger Thomas offered to assist in the creation of the ordinance since he built a few data centers in Las Vegas.

### 7. MINUTES... consider approval of minutes for the November 7, 2024 meetings.

**Motion:** Mark Halterman made a motion to approve the minutes from the November 7, 2024 meeting.

**Second:** Seconded by Mike Platt.

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

### 8. STAFF REPORTS...

#### A. Building Department.

Terry Palmer reported the building department continues to be busy.

From last year, the numbers are:

- Up 40 permits on houses.
- Up 17 or 18 on commercial buildings.
- Up on fee collections.
- Three new CUP's will be starting in early 2025 for BESS (Solar) systems, which includes road use and wear monitoring.
  - Rich Wilson shared the road plans to this point include trucks traveling along Newcastle Main St. to Bench Rd.; along Lund Hwy to 1600 N then west to 4500 W then north to their project; along Iron Springs Rd to Shooting Range Rd. and then to Granite Mountain East Rd. The roads have been pre-inspected and will be post-inspected to ensure they are not impacted adversely from this operation.

#### B. County Attorney.

- Sam Woodall asked to be excused prior to the meeting.

#### C. Planner & Services Coordinator

- The next ICPC meeting will be held January 9, 2025 instead of January 2<sup>nd</sup>. Michelle Tullis will be gone so Erick Cox will conduct.

#### D. Other:

Engineering Department:

Rich Wilson shared the following about the SS4A (Safe Streets for All) Grant:

- The SS4A comment map is online and he encouraged all to add location specific feedback.
- At the group meetings held by Kimley-Horn in early December, the Newcastle group discussed Hwy 56. They felt Hwy 56 could use a climbing lane because people are passing unsafely. Jared Christensen attended the meeting and thought it went well and is curious how the feedback compares to the study results.
- The grant is a federally funded study to determine safety issues and find solutions. The study must be done before the county can apply for an implementation grant.

Rich shared the following regarding the Iron Springs Road Grant:

- UDOT has assigned Justin Christensen as the project manager to work with Iron County.
- Justin and Rich toured the road today and Rich gave him a wish list so Justin could start the development of the scope of work. Rich also provided the Cedar Valley Belt Route plans, the BZI turn lane plans, etc. The preferred location of the improvements would start where Hwy 56 forks into Iron Springs Road and would continue to the landfill.
- The county requested \$10 million for the project and received \$7 million so it will go as far west as the money allows.

### 9. ADJOURN

Chair Tullis adjourned the meeting at 7:45 pm.

Minutes Approved January 9, 2025 by the Iron County Planning Commission



12/6/2024