

Kanab City Planning & Zoning Commission Meeting
November 5, 2024
Kanab City Council Chambers
26 North 100 East
6:30 PM

Agenda Items:

1. Call to Order and Roll Call

In attendance – Commission Members Ben Clarkson, Ben Aiken, Marlee Swain, Russ Whitaker, and Terry Edwards; Building/Land Use Administrator Janae Chatterley, City Attorney Kent Burggraaf, City Council Liaison Arlon Chamberlain

Not in attendance – Commission Members Taylor Glover, Mitch Glazier, and Mark Gilberg

2. Approval of meeting minutes from September 17, 2024

Commission Member Clarkson made a motion to approve the minutes for September 17, 2024. Commission Member Swain seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

3. Public Comment Period – Members of the public are invited to address the Planning Commission. Participants are asked to keep their comments to 3 minutes and follow rules of civility outlined in Kanab Ordinance 3-601

Administrative Decision Items:

4. Discuss, approve or deny a Conditional Use Permit and a Site Plan Review for a Batch Plant; located approximately near 1600 S HWY 89A [Applicant: Interstate Rock]

Ms. Chatterley provided details about the batch plant proposal, explaining that it involved properties rezoned with a development agreement. She clarified zoning designations for the northern, middle, and southern properties and highlighted the restrictions, including the prohibition of an asphalt plant while allowing a batch plant. She described the site's location, access road plans,

and landscaping intentions, noting that the road would eventually be a major collector road. However, for now, the applicant proposed using a 40-foot-wide dirt road with future landscaping deferred until the road's full development. She discussed site plan requirements and conditional use permits, noting specific conditions to mitigate concerns such as dust from the dirt road. She recommended requiring a road base and a hardscape apron for the highway entrance to minimize dust and ensure compliance with industrial area standards. She also addressed environmental regulations, explaining that air quality would be managed by the Department of Environmental Quality (DEQ).

Commission Member Clarkson added clarifying comments and questions, focusing on the batch plant's location relative to the highway. He confirmed with others that the plant would be set back approximately 300 to 350 feet from Highway 89.

Commission Member Aiken sought clarification about the project's compliance with the P-7 area specified in the development agreement.

Chase Stratton, the applicant's representative, confirmed that the batch plant's placement aligned with the approved lot line adjustments and that it was within the designated heavy industrial area.

Ms. Chatterley further explained the temporary nature of the proposed dirt road, clarifying that it wouldn't be developed into a dedicated road at this stage due to the lack of subdivision requirements. She noted that, per Chapter 9 of the ordinances, road improvements weren't mandated for the current industrial use. She reiterated that the applicant intended to comply with future road development plans as the area expanded.

Commission Member Clarkson emphasized the importance of consolidating access to a single intersection to reduce traffic issues and referenced concerns about maintaining a dust-free environment and road safety. He asked how long the batch plant would remain operational.

Mr. Burggraaf provided an overview of conditions that could be added to mitigate potential harms associated with the batch plant, including traffic hazards and environmental concerns. He highlighted past instances where conditions, such as hardscape aprons, were implemented for similar projects to reduce gravel tracking onto highways.

Chase confirmed that the batch plant was planned as a long-term project with indefinite operation. He addressed lighting concerns, stating that lighting would be kept minimal and safety-focused, adhering to local lighting standards. He also acknowledged the potential for occasional night operations for larger projects but indicated these would be infrequent.

Commission Member Clarkson inquired about noise levels, expressing concerns about residential areas nearby.

Chase assured that noise levels would be similar to those of other nearby batch plants and clarified that night operations would likely occur only for specific, large-scale projects.

Ms. Chatterley highlighted the importance of aligning the batch plant's road and site plan with future development needs. She noted that while ordinances didn't require immediate road improvements, dust mitigation was critical. She suggested conditions such as watering the road or using magnesium chloride to minimize dust, particularly on windy days.

Chair Whitaker expressed concerns about dust and debris tracking from the batch plant's dirt road onto the highway. He supported requiring a hard-surface apron at the highway entrance and ensuring proper dust mitigation. He asked about the conditional use permit's enforcement, noting that if the applicant failed to comply with the conditions, the permit could be reviewed or voided.

Chase proposed a plan to mitigate dust and road issues, including a 60-foot asphalt apron at the highway entrance and a road-based private road with a minimum width of 20 feet. He mentioned plans to include a cattle guard near the entrance and ensure compliance with emergency vehicle access requirements.

Mr. Burggraaf and Council Member Chamberlain recommended increasing the road width beyond 20 feet to accommodate large vehicles turning into the site.

Council Member Chamberlain also suggested that compacted gravel could serve as a base for asphalt in the future, ensuring durability.

Commission Member Edwards expressed that dust was not a major concern, citing the limited traffic anticipated for a batch plant road. He noted that the batch plant's zoning for manufacturing was appropriate, and any potential issues like dust could be mitigated with simple measures, such as a water truck.

Mr. Burggraaf confirmed that the batch plant's location and operations were consistent with the approved development agreement and zoning plan. He emphasized the importance of being specific with conditions to ensure enforceability.

Ms. Chatterley clarified the recommended motions and conditions in the staff report. These included the requirement for the site plan to be contingent on the conditional use permit's approval, securing appropriate permits before construction, and incorporating any additional conditions set by the planning commission. She emphasized the need for clarity in motions to avoid enforcement challenges.

Commission Member Clarkson, Mr. Burggraaf, and Chase discussed the specifics of the site plan, including the apron and road configurations.

Chase proposed a 60-foot-wide asphalt apron at the highway entrance, tapering to a 40-foot width at the cattle guards and continuing with a 20-foot-wide road base to the batch plant. He suggested maintaining the road with dust mitigation measures like water trucks.

Chair Whitaker supported timely dust mitigation and noted that while a compacted gravel road base would suffice, adequate maintenance was essential to prevent dust and debris issues. He emphasized the importance of ensuring adequate road width and conditions for large vehicles and emergency access.

Commission Member Clarkson made a motion to approve the site plan for a batch plant located near 1600 South Highway 89A, based on the staff findings and conditions in the report 2024028, with the following conditions: approval of the conditional use, sign up from the city engineer, securing the appropriate building and grading permits prior to any construction activity or infrastructure for the development. The Commission requires that a hardscape apron be placed 40 ft long, 40 ft wide to the C guard flared 60 ft at Highway 89 road base from the C guard and to the batch plant at least 30 ft wide, and that the applicant mitigates an unreasonable amount of dust due to traffic in a timely matter. Commission Member Aiken seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

5. Discuss and recommend to the city council a preliminary site plan for a planned development overlay Hidden Canyon, located approximately at 1700 E HWY 89. [Applicant: Jim Gutherie]

Ms. Chatterley provided a detailed summary of updates and changes made since the development agreement was finalized and recorded. These included clarifications on road designations (public vs. private), updates to phasing details, and the addition of a secondary egress requested by the fire chief. She explained that the development would include 705 units, broken down into an 80-unit hotel, 125 multifamily units, 356 single-family homes for a 55+ community, and a 7.7-acre storage unit. She noted that updates to the traffic study resulted in favorable findings, particularly with reduced traffic impact due to the senior community. She also confirmed that the development would include a one-million-gallon water tank eligible for impact fee credits.

Chair Whitaker asked about phase sequencing and access roads. He confirmed that the first highway entrance would be built during the initial phase, with a second access road required once 200 units were constructed.

Jim Guthrie, the applicant, clarified that an agreement was in place for secondary access through neighboring property, as included in the development agreement.

Commission Member Edwards confirmed that the city would maintain public roads, while private roads would be the responsibility of the homeowners' association.

Commission Member Swain made a motion to approve the preliminary site plan for the Hidden Canyon subdivision based on the findings and conditions of approval as outlined in the staff report for file 2023026. Commission Member Edwards seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

6. Discuss and recommend to the city council a minor subdivision of parcel K-7-2 splitting the property into two lots, located at 235 W 100 S. [Applicant: Iron Rock Engineering]

Ms. Chatterley provided an overview, explaining that the property, recently rezoned from RR-1 to R-1-8, would be divided into two lots: a 1.24-acre lot containing the existing house and a 1.85-acre lot that included part of a creek. She confirmed that the subdivision met the requirements of the subdivision ordinance. She outlined conditions of approval, including a review and sign-off by city engineers, who were still finalizing survey and plat checks. She also noted that the owners would need to secure appropriate development permits before construction and that the City Council would have final decision-making authority. Staff recommended approval with a positive recommendation.

Commission Member Edwards asked for clarification about the access point.

Ms. Chatterley confirmed that it was off 100 South.

Commission Member Edwards commented on the appealing nature of the area, having visited it previously.

Commission Member Clarkson made a motion to approve the minor subdivision affecting parcel K 7-2 based on the findings and conditions of approval outlined by the staff report 2024036.

Commission Member Swain seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES
Marlee Swain – YES
Terry Edwards – YES
Taylor Glover – Absent
Mark Gilberg – Absent
Mitch Glazier – Absent

7. PUBLIC HEARING – Discuss and recommend to the city council a preliminary plat to subdivide parcel K-39-43-ANNEX, located approximately at 1400 S HWY 89A [Applicant: Iron Rock Engineering]

Ms. Chatterley outlined the proposal, which included 29 lots: 28 single-family buildable lots and one designated as open space. The development, located on parcel K-39-43-ANNEX, was part of a phased project. The current phase adhered to zoning requirements, including maintaining 15 acres for agricultural use and requiring 15,000-square-foot lots bordering certain northern properties. She explained that the developer utilized lot size averaging, meeting all related requirements, including the distribution of smaller lots. She noted that the preliminary plat complied with the ordinance, allowing for 31 lots while only 29 were planned. She highlighted a concern about the cul-de-sac design, which appeared to fall short of design standards. A condition of approval required engineers to confirm calculations, surveying requirements, and compliance with design standards before final approval.

Tom Avant, with Iron Rock Engineering, acknowledged the cul-de-sac issue and stated that adjustments could be made without affecting the lot layout. The discussion clarified that the cul-de-sac design needed to meet standards for diameter, including curb, gutter, and sidewalk dimensions. The developer confirmed that any adjustments would maintain compliance with lot size requirements. He explained that sidewalks would be on one side of some streets, with an asphalt trail on the other. The development was designed to accommodate a 90-foot right-of-way for future expansions, including potential bike lanes.

Chair Whitaker inquired about naming streets within the development, expressing a preference for unique names over numerical designations for streets that would not connect to the broader city grid.

Commission Members briefly discussed past naming strategies and creative options for future streets.

Chair Whittaker opened the public comment. Since there were no comments from the public, Chair Whittaker closed the public comment.

Commission Member Aiken made a motion to send a positive recommendation to the City Council for the Willow Meadows preliminary plat based on the findings and conditions of approval as

outlined in the staff report for file 2024035, with conditions that engineers have confirmed and signed up on calculations, surveying requirements and design standards for the construction related to the platted lots for the preliminary plat. Commission Member Edwards seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

8. Discuss and recommend to the city council an amended plat of the Betsy's Red Dirt Hallow, splitting parcel K-263-3 into two separate lots, located approximately at 236 E 200 N. [Applicant: Matthew and M. Janae Chatterley]

Mr. Burggraaf introduced the next agenda item, explaining that the applicants were Matthew and M. Janae Chatterley. He provided background on the parcel, noting it had been rezoned for residential multifamily use several months prior, which permitted its subdivision for a duplex. He highlighted that the proposal met all ordinance standards, including lot size and frontage, and that utilities for each side were separately established. He confirmed that he had reviewed and verified the accuracy of the details.

Commission Member Clarkson noted this was the second or third similar request, describing it as straightforward as long as utilities were in place.

Mr. Burggraaf clarified that no public hearing was required at this stage but would be held at the City Council level.

Commission Member Aiken made a motion to send a positive recommendation to the City Council for the plat amendment to Betsy's Red Dirt Hallow affecting parcel K-263-3 based on the findings of conditions of approval as outlined in staff report 2024037. Commission Member Swain seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

**9. Discuss, approve or deny a Site Plan for a recreation center located at 26 N 100 E, Kanab, UT 84741
[Applicant: Kane County]**

Ms. Chatterley explained that the recreation center would be built behind the existing parking lot and noted that a conditional use permit had been approved a few months ago, reducing the required parking to 239 spaces, which matched the number already available. She highlighted that the site is located in the downtown district, requiring adherence to specific design standards in Chapter 20, including the use of earth tones and a mix of materials like stone. The provided renderings and landscaping plans met these requirements. She also mentioned that the design complied with Chapter 9 and Chapter 20 of the city's standards. She observed that the project had received notable attention on social media and reiterated the staff's recommendation for approval as the plan met all site plan requirements.

Commission Member Swain moved to send a positive recommendation to the City Council for the Site Plan based on the findings as outlined in staff report 2024037. Commission Member Clarkson seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

Legislative Decision:

10. PUBLIC PUBLIC HEARING - Discuss and recommend to the city council a text amendment for the Kanab City Subdivision ordinance. Amendments to the ordinance are necessary to be compliant with Utah State Code. [Applicant: Kanab City]

Jacob Hanson from Hanson and Planning Group presented updates related to state-mandated changes to subdivision processes. He highlighted the procedural changes required by state law, focusing on how zoning, subdivision, and building processes must be separated, with subdivisions now considered administrative rather than legislative. He explained the need to update the city's ordinance to comply with these changes while maintaining local flexibility. He clarified that the new state laws primarily apply to one- and two-family residential applications, though the city could choose to apply the same rules to all types of development. Jacob noted that under the new process, subdivision applications must be reviewed by a newly proposed Subdivision Review

Committee rather than the City Council. This committee would consist of a liaison from the Planning Commission, the city engineer, the public works director, and the land use director. He outlined key updates, including:

- A new Chapter 2B specifically for one- and two-family residential applications, distinct from the existing Chapter 2A for other types of developments.
- Limitations on the number of review cycles (up to four) and specific timelines (30 business days) for responding to applicants.
- The requirement to reduce bonding amounts to 110% of improvement costs.

Jacob discussed concerns about minor subdivisions, including whether they should require a dedicated public road and how they should be categorized under the new framework.

Ms. Chatterley clarified that minor subdivisions have historically been allowed on private lanes and noted that state law permits minor subdivisions with fewer than ten lots to skip preliminary plat approval.

Mr. Burggraaf acknowledged the complexity of these updates and suggested further discussion to simplify the ordinance without creating an additional chapter (2C) for minor subdivisions. The group debated whether minor subdivisions should remain under Chapter 2A or move to Chapter 2B for one- and two-family homes. They concluded that further internal discussions would be necessary to resolve this.

Jacob proposed aligning deadlines and review cycles across development types to create a more uniform process. He noted that public meetings were currently required by the city's code, but the Planning Commission could choose to hold public hearings instead if desired.

Ms. Chatterley clarified the city's current practice of not requiring public hearings for minor subdivisions, only public meetings. She noted that the City Council recommended retaining at least one public hearing for major subdivisions during the Planning Commission's review of the preliminary plat. She asked for feedback on whether this approach should also apply to minor subdivisions.

Chair Whitaker expressed satisfaction with the current approach, emphasizing that the city's small size allowed neighbors to raise concerns during public meetings if necessary. He supported keeping changes minimal to align with state code without overcomplicating processes.

Mr. Burggraaf elaborated on the rationale behind the state's legislative changes. He explained that the removal of public input at some stages, particularly during City Council reviews, was intended to reflect the administrative nature of subdivision approvals. Public hearings in such cases are meant to address whether an application meets established criteria, not to introduce new policy discussions. He noted that the state legislature had compromised by allowing public hearings during the preliminary plat stage for major subdivisions, which the City Council endorsed.

Jacob shifted the discussion to surveying requirements, specifically whether to maintain the existing standard of 2-foot contour intervals on plats.

Chair Whitaker supported keeping the standard, citing its long-standing use in Kanab City and the need for consistency.

Jacob agreed to retain the requirement. He discussed proposed edits for clarity and consistency in the ordinance, such as grammatical improvements and aligning language with existing flow charts. The group agreed that non-substantive changes improving clarity should be incorporated, while substantive changes should be minimized. He noted discrepancies between the current charts and the code, particularly regarding the Planning Commission's role in final plat approvals since the flow charts had been in use for years without a clear source file.

Ms. Chatterley suggested simplifying and updating them to match the revised process.

The Planning Commission agreed to this approach, prioritizing clarity and alignment with state-mandated changes.

Jacob introduced the newly proposed Chapter 2B for one- and two-family residential subdivisions. He explained that the Planning Commission would handle preliminary plat approvals while the Subdivision Review Committee would manage final plat approvals. Based on earlier discussions, he committed to updating the committee's composition to include a non-voting Planning Commission liaison, the city engineer, the public works director, and the land use director, excluding the city attorney.

The group agreed that the Subdivision Review Committee should meet on an as-needed basis and supported the administrative hearing officer as the appeal authority, with the option for the City Council to assume this role if desired.

Jacob concluded by reiterating his goal to streamline the process while ensuring compliance with state laws, committing to incorporate all feedback and provide updated drafts.

Mr. Burggraaf explained the city's intention to standardize its appeal process by routing appeals through an administrative hearing officer rather than involving the City Council. This approach is aimed at reducing litigation risk and avoiding scenarios akin to a problematic "board of adjustments" model.

Jacob highlighted that the proposed application requirements draw from existing ordinances and add details to distinguish zoning decisions from administrative processes and align with state code. Notable additions include a requirement that applicants prove prior approval of land use decisions, such as rezoning or conditional use permits, before submitting a subdivision application.

Ms. Chatterley mentioned feedback from the city engineer, who recommended adding title commitments to both preliminary and final plat requirements to verify consistency and avoid title changes.

Jacob agreed to include this. He noted other proposed additions, such as requiring specific notices on plats for properties near nuisance or agricultural protection areas.

Ms. Chatterley clarified that the City Council had recommended omitting these from the ordinance, as they are already mandated by state law.

Mr. Burggraaf supported this approach to avoid duplicating state code and the risk of future inconsistencies, suggesting instead a reference to applicable state laws.

Jacob addressed the surveyor certification of plats. While this is covered by state code, he proposed including it in the ordinance to prevent oversight.

Mr. Burggraaf proposed a compromise: referencing relevant state code sections rather than duplicating their language. This approach would notify applicants and staff of applicable requirements without necessitating ordinance updates for future state law changes.

Jacob presented a comprehensive list of required elements of improvement plans, including grading plans, traffic studies, and revegetation plans. He argued that such lists benefit applicants and staff by centralizing requirements, reducing confusion, and improving application completeness.

Commission Members supported retaining the detailed list for clarity.

Mr. Burggraaf suggested referencing the improvement plan requirements in Chapter 2A for non-residential and multifamily subdivisions to streamline the ordinance.

Ms. Chatterley noted a city engineer's preference for requiring CAD drawings in addition to PDFs to facilitate review and avoid redundant work. Jacob agreed to include this.

Jacob proposed adding language to provide flexibility in waiving or adding requirements on a case-by-case basis.

Mr. Burggraaf emphasized the importance of fairness. He suggested requiring "articulable facts" to justify any exceptions or additions, ensuring that decisions are reasoned and transparent. Jacob agreed to implement this recommendation.

Jacob outlined the procedural changes in the ordinance, emphasizing the review cycle for applications and the importance of defining complete applications. The process allows for up to four review cycles, with the fifth submission requiring a decision. He noted that the state's deadlines only apply once an application is deemed complete, underscoring the value of a thorough application checklist.

Mr. Burggraaf proposed extending the review timeline to 40 business days based on the last census population, as the city's engineering setup occasionally delays responses.

Commission Members agreed, noting that longer timelines would save taxpayer money by reducing expedited review costs.

Jacob raised the issue of developer delays and suggested a 180-day deadline for applicants to respond to corrections before the application expires.

Ms. Chatterley supported this timeline, citing occasional delays from developers. However, the group decided to reduce the time between preliminary and final plat submissions for one- and two-family residential applications from 18 months to 12 months, aligning it with other processes while maintaining flexibility. On public hearings, the City Council preferred one hearing during the preliminary phase for major subdivisions.

Commission Members agreed, opting to clarify that minor subdivisions do not require a public hearing.

Jacob noted inconsistencies between the state code and the ordinance regarding approvals and appeals.

Commission Members agreed to remove references to certain state appeal processes, relying on state law to govern those situations, thus avoiding frequent ordinance amendments.

The group discussed improvements in the ordinance, including:

- Application Completeness: Keeping requirements centralized and clear.
- Flexibility: Allowing staff to waive or add requirements with clear articulation of reasoning to ensure fairness.
- Certification and Recording: Keeping current practices where applicants record plats after meeting infrastructure or bonding requirements.

Jacob proposed retaining a one-year deadline for applicants to post bonds or complete improvements, which aligned with current practices. He concluded by noting the need for additional clarification on the minor subdivision section. He proposed collaborating with Mr. Burggraaf and Ms. Chatterley to refine the relevant provisions and circulate updated drafts.

Mr. Burggraaf suggested that the Planning Commission defer making a recommendation until the December meeting, allowing sufficient time for review of the finalized ordinance.

Chair Whittaker opened the public comment. Since there were no comments from the public, Chair Whittaker closed the public comment.

Commission Member Clarkson made a motion to table the item for the next meeting. Commission Member Aiken seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent

Staff Report:

Ms. Chatterley provided an update, explaining plans to reduce planning commission meetings to once a month, with the flexibility to add special meetings if needed. She mentioned that the city council might also adopt a similar approach. A decision on whether the meetings would be held in the first or third week of each month would be determined based on holiday schedules.

Mr. Burggraaf reminded the Commission that a new chair would need to be nominated and voted on either at the next or first meeting in January, noting that Chair Whitaker's term would conclude. He mentioned that Casey had resigned, leaving a vacancy, and encouraged members to suggest committed candidates to the mayor, who is responsible for appointing members with city council consent. He emphasized the importance of maintaining a quorum, particularly if meetings were reduced to once a month.

Commission Member Report:

Commission Member Liaison Report:

Adjournment:

Commission Member Swain made a motion to adjourn the meeting. Commission Member Aiken seconded. Motion passed.

Russ Whitaker – YES

Ben Clarkson – YES

Ben Aiken - YES

Marlee Swain – YES

Terry Edwards – YES

Taylor Glover – Absent

Mark Gilberg – Absent

Mitch Glazier – Absent