



Staff Report
Kamas City Council
January 13, 2026

APPLICANT: RVH KBC 4, LLC

REQUEST: Conditional Use Permit Application for Height Adjustment from 27 feet to 35 feet (unoccupied parapet)

LOCATION: KAMC-4, 158 West 320 South

ZONING: General Commercial

PUBLIC HEARING: November 18, 2025

BACKGROUND INFORMATION

Applicants are seeking a height adjustment from 27 ft to 35 ft on parcel KAMC-4 at 158 West 320 South through a conditional use permit. The lot is zoned for General Commercial.

At the hearing on November 18, 2025, the Planning Commission tabled the decision to do more research. On January 6, 2026, the Planning Commission forwarded a positive recommendation to the City Council for approval of the CUP for a height adjustment from 27 ft to 35 ft with the condition that no habitable space, occupied floor area, attic space, offices, residential units, or third floor will be permitted above 27 feet in height.

APPLICABLE CODE

Kamas Municipal Code:

- §15.14. – G-C General Commercial
The standard is a 27-foot maximum building height. The code allows certain architectural features to exceed the standard height with a CUP.
- §15.23. – Conditional Uses
If the applicant can mitigate the reasonably anticipated adverse impacts of the proposed use, then the Planning Commission may approve a conditional use.

Utah Municipal Code

- §10-20-506. – Conditional Uses
The Planning Commission must approve a conditional use permit if the applicant either:
 - Has already suggested ways to reduce the negative effects of the project, or
 - The city can add reasonable rules or conditions to reduce those effects.On the other hand, if the negative effects cannot be reasonably fixed or controlled, even with conditions, then the city can deny the permit.

ANALYSIS OF IMPACTS & MITIGATION

A conditional use is not automatically permitted but it is allowed if reasonable conditions can be set by the City that will either eliminate or mitigate the “reasonably anticipated adverse impacts” identified. The CUP cannot be automatically denied just because there are detrimental effects.

During prior Planning Commission discussions, the following concerns were raised:

- ***The proposed architectural element runs the full length of the structure, not just a steeple or chimney.***
This raises the concern of the potential for the building to visually look bigger to people on the street or compared to neighboring buildings. However, both buildings surrounding the property are also at 35 ft, therefore the proposed project will not stand out from what is around it.
- ***The code allows 27 ft, and two stories can fit within 27 ft, so why is 35 ft necessary?***

The CUP process does not ask whether a project could be designed differently, it only asks whether the proposed design creates an impact that cannot be mitigated.

- ***Kamas City does not want to set a precedent for future CUP requests.***

Under Utah land use law, each CUP must be evaluated on its own merits. Therefore, approval of one CUP does not legally obligate the City to approve future requests. If the Planning Commission approves the CUP, it could be beneficial for the City to clarify that this Conditional Use Permit is specific to this project only.

- ***The applicant may decide at a later stage to add a third occupied floor.***

A CUP may include specific regulations. In this case the use of the upper portion of the structure above the 27 ft line can be explicitly prohibited from habitable space or occupancy.

STAFF RECOMMENDATION

Under KMC §§ 15.14 and 15.23, and Utah Code § 10-20-506, a CUP must be approved if the applicant has proposed, or the City can impose, reasonable conditions to mitigate anticipated adverse impacts. Approval does not rely on architectural preference, market trends, or aesthetic desirability, but rather on whether the proposed height increase results in impacts that cannot be reasonably addressed through conditions. Based on the information provided, staff finds that the potential impacts associated with the requested height can be mitigated and therefore meet the applicable standards for CUP consideration.

Staff recommends that the City Council consider whether the applicant's proposed height adjustment request does or does not create reasonably anticipated adverse impacts and if the proposal does create significant detrimental impacts, can those impacts be mitigated.

If said impacts can be mitigated, staff recommends that the City Council approve the CUP with specific conditions imposed to mitigate the identified impacts; or

If the impacts cannot be mitigated, staff recommends that the CUP application be denied with specific findings listed that the identified impacts cannot be mitigated

CITY COUNCIL OPTIONS (the Council should articulate their findings consistent with the CUP standards):

Approve CUP: The City Council finds that the proposed height increase does not create any significant adverse impacts, therefore Council approves the Conditional Use Permit.

Approve CUP with Conditions: The City Council approves the Conditional Use Permit based on the finding that:

- The reasonably anticipated adverse impacts associated with the additional height can be substantially mitigated through enforceable conditions, consistent with KMC 15.23. The recommended conditions are:
 - No habitable space, occupied floor area, attic space, offices, or residential units will be permitted above 27 feet in height.
 - The area between 27 feet and 35 feet must remain open with non-habitable architectural features only;
 - All rooftop mechanical equipment shall be fully screened from public view and within the approved 35 foot architectural parapet and shall not increase the overall approved building height;
 - No signage or rooftop structures exceed the 35-foot height limit;
 - Final building elevations and materials for the architectural parapet shall be reviewed and approved by staff prior to building permits being issued to ensure compliance with this CUP and compatibility with the character of surrounding development;
 - Any modification to allow occupancy above 27 feet shall require a new land use application and approval; and
 - The approval is specific to the submitted plans and does not establish a blanket height increase.

Deny CUP: The City Council finds that the proposed height increase will result in significant adverse impacts of a potential future habitable or occupied third floor that cannot be reasonably mitigated by regulations prohibiting the area above 27 feet from being habitable for occupied. Therefore, the Council denies the CUP on the basis that significant adverse impacts cannot be substantially mitigated.

ATTACHMENTS

- Application Packet from RVH KBC 4, LLC with General Description of the Project, Building Elevations, Site Plan, Site Map, Video Rendering of Site, and Subdivision Plat Map