

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**December 7, 2023**  
**MINUTES**

The Iron County Planning Commission held their regularly scheduled meeting Thursday, December 7, 2023 at 5:30 pm, in Room 1, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Roger Thomas, Chair  
Michael Platt  
Jared Christensen  
Michelle Tullis  
Erick Cox

**Excused**

Laine Sutherland  
Mark Halterman

**Staff Present**

Reed Erickson	Iron County Planner/Services Coordinator
Sam Woodall	Iron County Deputy Attorney
Terry Palmer	Iron County Building Official
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Assistant

**Others Present**

Lance Prestwich  
John Huestis  
Genevieve Phelps  
Dean Regouski  
Meredith Munford  
Randy Williams  
Brad Phelps  
Shaleah & Kevin \_\_\_\_\_  
Keith Harroun  
Kim Wall  
Chris Archibald  
Glen Knudson  
Cody Knudson  
Mary Crase  
Dallas Buckner

**Representing**

J & L Ranch  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Glen Knudson

**Others Present**

Teri Besmehn  
Jon Hudson  
Dallas Buckner  
Nefertari Salcido  
Betty A Gould  
Alan Sawyer  
Rhonda Winger  
Morgan Mortensen  
Glen E Pryor  
Marilyn Graff Pryor  
Nancy Hallows  
Dayna Regouski  
Heidi Loveland  
Tyler Lewis

**Representing**

Self  
Self  
Go Civil  
Self  
Self  
Self  
Self & Don Winger  
Self & Don Winger  
Self  
Self  
Self  
Self  
Self  
Self  
Self

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Thomas opened the meeting at 5:30 pm.  
Mike Platt led the pledge of allegiance.

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

Chair Thomas opened the public comments.  
No comments were made.  
Chair Thomas closed the public comments.

**3. CONDITIONAL USE PERMIT REVIEW – Kennel (Dogs & Cats) CUP issued July 7, 2022.**

Discussion and consideration for revocation or modification according to Section 17.28.060, Iron County Code.  
*Applicant: Nefertari Salcido*

**Introduction:**

Reed Erickson gave an overview of the review process for the CUP:

- It has been years since the ICPC has done a review of a CUP.
- County code, 17.28.060 - Revocation or modification of a CUP, states that once a CUP is granted, if 1 of 4 following conditions exists, it may be reviewed, which are:

- \* The CUP was obtained in a fraudulent manner.
- \* The use for which the CUP was granted has now ceased for at least 6 consecutive calendar months.
- \* One or more of the conditions of the CUP have not been met.
- \* The conditions under which a CUP was originally approved may be modified by the ICPC without the consent of the property owner or operator, if the planning commission finds that the use or related development constitutes or is creating a demonstrated nuisance.
- Reviewing a CUP is the same process as when a CUP is granted:
  - \* Letters are mailed to adjacent property owners.
  - \* Hold a public hearing.
  - \* CUP is reviewed by the ICPC members.
  - \* The ICPC to determine the action to be taken. The options are to revoke, allow as is, modify, or continue the CUP discussion for another meeting.

Reed reviewed the original CUP and the current concerns of that CUP:

- The original CUP was granted on July 7, 2022.
- The property is in the western part of the county north of Hwy 56 and west of Beryl.
- The illegal kennel was originally on an R-5 parcel, but that is not an allowed use in an R-5 zone, so the CUP was granted to move it to an A-20 parcel further north, which is 40-acres.
- The allowed maximum use is for 50 dogs and/or 50 cats.
- More than 6 months after the permit was granted, Mrs. Salcido showed photos of what they had done to improve the property.
- In November of 2023, the county zoning officer took photos to show the progress of moving the kennel to the A-20 parcel. The photos showed some progress, but dogs were still on the R-5 property.
- Today, the zoning officer took more photos and found there are a number of kennels still up on the R-5 property and a lot of other stuff that was supposed to be moved to the A-20 property.
- The original CUP stated what had to be moved.
- A zoning violation has been issued at the old site for lack of response on moving and cleaning up the site/facilities.
- The CUP violations for the existing CUP on the new site have not been resolved by the deadline dates given. The violations include:
  - \* Failure to move the animals to the new site in a timely manner.
  - \* May likely exceeds the number of allowed dogs and cats per CUP paragraph 2. The county has not been able to determine the actual number on site.
  - \* Denying access to county officials to evaluate and inspect the project property.
  - \* Failure to clean/sanitize kennels on a daily basis. (CUP paragraph 4)
  - \* Failure to submit a plan for animal waste disposal. (CUP paragraph 4)
  - \* Failure to reside on the property at the new site (CUP paragraph 9)
- Living on the new site requires a habitable building, additional kennels, and removal of old trailers.

Reed explained:

- The ICPC should only consider the new site while reviewing the CUP - The old site's violations should be kept separate.
- As of today, the county enforcement officer estimated 34 dogs on the new site, but was not allowed to go on the old site to get a count.

**Public Hearing:**

Chair Thomas opened the public hearing stating that each person has a 3-minute time limit.

**Public Comments:**

- Skylar Davis, Iron County Sheriff's Deputy stated that:
  - \* Several deputies have been out to both properties many times.
  - \* He personally did a welfare check on October 8, 2023. He found the following concerns at the new site:
    - There was a strong smell coming from the building.
    - The building was not structurally sound with large amounts of fecal matter from roughly 12 felines.
    - The building's carpet and rugs were stained from cat urine and the smell was overwhelming.
    - He asked for a count of the animals, but was not given one, or access to count. He thinks more than 40 animals were at the new site.
    - The kennels were not clean and had large piles of fecal matter, which caused concern about the sanitation.
- Nefertari Salcido shared the following:
  - \* They have no neighbors, just fields of corn next to them, so she does not know who would have the right to report her.
  - \* She believes that has been severely attacked by the community of Beryl.

- \* The believes that the house is sound, there is no carpet, nor a dozen cats.
- \* She feels whoever reported anonymously should have talked to them instead.
- \* The kennels have not been as clean and they should be, but that has been corrected.
- \* The dogs were not alone on the new site – not without a caretaker
- \* She doesn't feel she needs to tell the county what she is doing and feels she doesn't have to stay in the house on the new site. She thought she could have a trailer on the property.
- \* The 'house' is two trailer houses put together and has been that way for many years.
- \* The 7-10 cats have been moved out.
- \* She no longer takes cats in to care for. She acknowledge she made a mistake by doing that and did not keep up with it.
- \* From July through December of 2022, she was taking care of her dad until he died in December.
- \* In October 2022, she felt she could care for her dad and move the kennels, but she spent most of her time in St. George so she was unable to move them. Then it snowed through the winter and rained through the spring so she didn't get them moved. They have been working to move the kennels since then.
- \* This is a small business and mistakes were made with the business and how to run it. They are still learning. They have now partnered with other rescues who can teach them how to run the business.
- \* The dogs do not stay on the property if she can find somewhere to take them. Some are being re-homed currently. The goal is for them to rotate out. Some that are older and ill are still there.
- \* Somebody called adult protective services to report her son repeatedly. He ended up in a mental health facility because they could not leave him alone.
- \* Someone entered the property and unlocked the kennels.
- \* She owns the 40 acres where the business is, the 40 acres across, and Mr. Salcido owns the property across from the 40-acres.
- \* Because there are no adjacent property owners, the calls reporting them are bogus calls and very upsetting to her.
- \* The site has an insurance policy for the animals for \$2,000,000.00, a is a 501 (C) (3) non-profit,. **Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

The planning commissioners and staff clarified the following:

- The conditions issued on the original CUP have not been met so the ICPC needs to determine if the permit should be allowed to continue.
- The CUP refers to the new 40-acre parcel only except for the tie-in of moving it from and cleaning up the old site.
- The building is a pre-1976 or 1978 doublewide mobile home. In its current condition, it is not habitable.
- Whether a permit for the building was issued or not is unclear. There is water on site, but no septic system. A cesspool does exist. The county was working with the owners to complete the move before issuing a building permit, which would require a septic permit from the health department.
- The health department is responsible for the septic permit and building/zoning is responsible for the rest.
- Section 9 of the CUP specifies they must live on site in a permitted dwelling. A travel trailer is not a permanent residence.
- There could be someone living in the trailer.
- The kennels were not cleaned because Mrs. Salcido has not been there, but she is in the process of cleaning them.
- The applicant says there are 34 animals at the new site, and 8 to 11 at the old site.
- The county zoning officer was not allowed on the old site today to determine if all the animals had been moved. He also tried to look in the home on the new site because of deputy's reports stating there were cats inside, but was denied access.
- The last time Deputy Davis was on site was October 8<sup>th</sup> and a copy of his report is available. Also, Deputy Menke has been denied access several times and denied a count of the animals.
- If the CUP were revoked, the county zoning officer and Officer Menke would follow up on the animals and where they would go.
- The existing structure does not seem structurally sound. Building a new home is not required, but the existing structure would have to be brought up to code or they could add a manufactured home. Both would have to go through the building permit process.
- The staff is concerned about unclean kennels, not submitting a waste disposal plan, and not meeting the deadlines for progress.
- A sanitation company must be contracted to dispose of waste. There are two that service that area per Jared Christensen.

Mrs. Salcido responded with the following:

- Her son suffers from mental illness, site visits cause him stress, and he would deny access.
- They plan to finish the move, no longer allow cats because they are a lot of work, and rehome the existing cats.
- The house on the new site is two mobile homes put together with a roof over both. A piece of the mobile roof is damaged, but not the roof over both.

- She doesn't feel she should have to get a building permit because the home has been there for a very long time.
- She tried to call sanitation companies, but none would pick up the waste.
- They recently purchased two additional kennels. The majority of the kennels were moved within the last two weeks and they should be able to complete the move, before the snow comes, within the next 30 days. Mr. Salcido is doing the work himself.
- They are not going to take any additional dogs for now and will be compliant with the CUP.
- They are ready to fix what went wrong and fix the housing situation, which may take until spring to get a house in compliance (buying and setting up a single wide).

The staff and ICPC discussed:

- Paragraph 4 of the CUP requires daily cleaning of the kennels. Ample evidence exists that the kennels are not cleaned daily. The reason given for not cleaning the kennels was based on last year's winter conditions, which brings into question if they will be able to keep them clean this winter.
- The staff suggested terminating the permit and giving 90 days to remove the dogs and 180 days to have the site cleaned up.
- The Sheriff's office would need to enforce the site clean-up and removal of animals.

**Planning Commission Action – Reinstate Status Quo, Modify, Revoke or Continue**

Chair Thomas noted the following:

- The CUP was issued July 7, 2022.
- The ICPC has reviewed numerous items that remain out of compliance after the CUP was approved.
- He would like to entertain a motion to revoke the CUP permit given the time frames recommended by the staff of 90 days and 180 days.

**Motion:** Michelle Tullis made a motion to revoke the permit and have the dogs removed within 90 days and the site cleaned up within 180 days.

**Second:** Seconded by Erick Cox.

**Motion passed:** (Voting: Roger Thomas, aye; Jared Christensen, aye; Michelle Tullis, aye; Mike Platt, aye; Erick Cox, aye)

**Additional Comments:**

- Terry suggested to Mrs. Salcido that she contact Deputy Menke to get info about where the dogs can go over the next 90 days. Deputy Menke offered to help where she can.
- Reed shared that he received a call today from a shelter in Ogden who had dogs at Mrs. Salcido's property, and he asked that the county give the owners time to find other shelters or places where they can be taken.
- Roger clarified that if there are any legal issues regarding the CUP, Mrs. Salcido should contact Reed Erickson or Terry Palmer.

**4. ZONE CHANGE APPLICATION – “RA-20 to A-20” (66.02 Acres)**

Located near 563 S Spring Creek Rd, Kanarrville, UT – within the SW¼ Sec 35 & the SE¼ Sec 34, T37S, R12W, SLB&M, Iron County, Utah (APN: E-0340-0005-0000). *Applicant: Glen Knudson*

**Introduction:**

Reed Erickson shared the following regarding the Zone Change Application:

- Agenda items 4 and 5 are tied together. Item 4 is the zone change and item 5 is the CUP and is contingent upon the zone change approval.

Dallas Buckner with Go Civil, representing the applicant, asked to give a little background before Reed continued. Upon approval from Chair Thomas, he stated:

- The owner purchased the property several years ago.
- Some miscommunication has occurred regarding the RA-20 zone and the 60' x 80' steel building constructed on site.
- The owner thought he would be able to have a business in the RA-20 zone, but the fine print in the zoning ordinance states no employees.
- To be able to have the business, the property needs to be rezoned to A-20 and apply for a CUP under the new zone.
- If in the discussion of agenda items 4 and 5, the CUP is not permitted, then they won't need the zone change.

Reed continued:

- Previously the county approved a zone change from R-1 to RA-20, and a minor subdivision. The property was split into a 20-acre parcel and a 66-acre parcel.
- The applicant has an interest in having a business type contractor/shop on the 66-acre parcel.
- Other similar zone changes and CUP's have been done to allow people to come to the site to get equipment/supplies and then go out to a worksite.
- This is not a light industrial zone, but in the A-20 zone, light industrial may also occur if it is inside of a building (i.e. welding, cutting). Some outside storage is allowed, but must be screened. Activity is minimal because it is close to other A-20 areas.

- Limitations in the CUP include a limited number of employees, hours of operation, and the number of vehicles that can come and go so that it doesn't become a full fledged industrial park.
- The purpose of the rezone is for the 66 acres. The other 20-acre parcel would remain the same (RA-20).
- The properties are located just south of the flood zone.
- Services available include:
  - \* Water from a private well.
  - \* Fire suppression using WUI and building code until it is determined what specific use of the building will be (then building codes would apply for fire-suppression requirements).
  - \* Sewer by septic system.
  - \* The transportation corridor is off of Spring Creek Road, which is a county maintained road.
  - \* Drainage is the applicant's responsibility for any additional flows due to the building surface.
  - \* Power, gas, and communications are in the area.
- Two sets of criteria are involved. The zone change is a legislative decision for the ICPC to recommend to the county commission. The CUP is administrative, to be determined by the ICPC, which is an allowed use that meets the criteria. Conditions may be added to mitigate concerns and would be contingent on the zone change.

Chair Thomas asked for clarification if the zone change would be contingent on the CUP based on Mr. Buckner's comments.

Reed explained they could do the CUP first and make it contingent on the zone change, but reminded them the zone change is a recommendation that will go to the county commission whether the ICPC votes in favor or against.

Mr. Buckner stated that if the ICPC denied the CUP, they would not have the zone change go to the county commission.

#### **Public Hearing:**

Chair Thomas opened the public hearing for both Agenda Items 4 and 5.

#### **Public Comments:**

- Teri Besmehn asked for clarification on pollution, traffic, fire hazard, issuing an industrial permit in an A-20 zone, approval of such a permit, and notification to Kanarrville town.
- Chair Thomas explained that the zoning change has not been made nor has it been recommended to the county commission, noting that if the ICPC approves, there would still be a second meeting/public hearing at the commission meeting. The CUP is the process to be able to mitigate concerns in the A-20 zone.
- Teri Besmehn stated she works at the dump directly across from the property. Two months ago, she called into building and zoning to see if they had a building permit and was told it was for a single-family residence. When she questioned further she was told the building has living quarters in it.
- Dallas Buckner explained it is a barndominium, steel building.
- Rhonda Winger asked where the building is located on the property.
- Dallas Buckner explained it is on bottom portion of the 66 acres and access is off of Spring Creek Road.
- Rhonda Winger shared that she did a little bit of research when she heard they would be doing steel milling. She shared:
  - \* Steel milling is highly polluting and the worst source of toxic heavy metals and air pollution in the country.
  - \* She knows the danger because her mom passed away from high levels of heavy metals.
  - \* There will be chimney pipes sending dangerous pollution into the air, which can cause skin lesions and reduced liver function. Long-term exposure and tiny amounts of toxins are linked to impairment of the immune system, nervous system, hormones, reproduction, lungs, etc.
  - \* Property values, taxes, and homeowners insurance will be affected.
  - \* The biggest detriment is the pollutant and health issues.
- Chair Thomas clarified the CUP is for light industrial steel fabrication and cutting, not milling in the production of steel.
- Dallas Buckner explained the zoning was done through the county. The building was permitted through the county building/zoning department as a size 60' x 80' building with living quarters. The original intent was for a residence, but the owner is in the construction industry and built this shop to start the development on his property based on approved uses and his ability to do a CUP. He plans to build one more home on the property.
- Cody Knudson explained he is a certified welder. Their only intention would be a family home business and the use by close friends. Absolutely no milling, rather simple steel fabrication.
- Rhonda Winger stated the letter she received said cutting, milling, welding, and painting.
- Chair Thomas explained that milling has multiple meanings. They are not processing the steel, just cutting.
- Terry Palmer noted there have been a lot of concerns, explaining that:
  - \* The building was approved as a dwelling with a personal shop in it.
  - \* With the CUP, there would be conditions on what they can do.
  - \* Milling, as in steel making, is not going to happen.

- \* If the CUP does get approved, the county will mitigate the concerns. Fire and fire suppression will also be addressed by the county.
- Cody Knudson shared that BZI is on Old Hwy 91, but they would do nothing more than what they have been doing there for years.
- Brad Phelps shared his concerns regarding fire because of a fire at BZI that happened approximately 3 years ago. The day was calm so it was under control in a few hours, but what was concerned had it been a windy day. If the proposed business started a fire, the nearby homes would catch fire before it could be put out. He is against the CUP.
- Lance Prestwich stated he is concerned about water contamination on land with floodwaters, value of property, and cattle dying.
- Chair Thomas reminded the group that there will be no smokestacks and no milling of raw oar done there.
- Morgan Mortenson shared concerns about who would keep the business from becoming another BZI, the traffic of big trucks, and fire hazards.
- Mike Platt responded that the county would monitor it.
- Chair Thomas explained that the business will be limited to a maximum of 10 full-time employees, that lighting must be downward, and there would be no more lighting than necessary for safe travel and to protect the night sky.
- Keith Harroun explained that he was the only contractor allowed at Southwest Gas to weld on lines because of the fire danger. If the employees are welding or cutting, there is a chance of fire especially if the steel is too long to fit in the building, because they will move the cutter outside and there will be a chance of fire.
- Dayna Regouski asked if the CUP discusses disposal of tailings.
- Chair Thomas read paragraph 14, Refuse and the Collection of Solid Waste;
  - \* The storage, collection and disposal of solid waste shall be accomplished so as to prevent fire and health hazards, rodent harborage, insect breeding, accidents and odors, and disposal of solid waste shall be located and utilized according to Iron County solid waste requirements.
  - \* He noted that the property owners would have to have the required containers for the tailings and other specialty materials.
- Dallas Buckner explained they have submitted a detailed description stating the product waste will be carried off site.
- Chair Thomas read paragraph 4, Environmental Impacts:
  - \* The applicant shall conduct associated activities that will not be offensive by reason of emission of odor, dust, smoke, noxious gases, noise, vibration, glare, heat or other impacts, nor hazardous by way of materials, process, product, or waste and for all primary processing equipment for example compressors, mills, hammers, saws, grinders, etc. Is located within a building structure with ancillary equipment allowed outdoors occasionally only when demonstrated to be in compliance with this paragraph and any outside storage areas are screened from view from all adjoining properties and streets.
- Mary Crase stated the following:
  - \* She lives across the street from the Knudson property just south of the Kanarrville town border.
  - \* She found out about this meeting on a "bully" site.
  - \* Her property is directly affected by flooding.
  - \* When Spring Creek Road was created for the hike and solar eclipse, that road started flooding her property. She was not told that until after she bought it.
  - \* Since the Knudsen's have owned their property, her property has not been flooded because they have taken good care of the situation.
  - \* When she moved to Kanarrville 4 years ago, her family played and 4-wheeled on the property. When the property was purchased and fences were put up, many of the town members were upset because their playground was taken away.
  - \* The town members felt it was their property, but it is not.
  - \* Kanarrville city has a history of bullying property owners near the city. The residents are bullies because she [the mayor] put a letter out telling them to come to this meeting even though this property is not in Kanarra city.
  - \* She has heard many reasons why this project shouldn't happen, but none have been said tonight. Such as, they don't want polygamist here anymore and that she should sit down and shut up because she hasn't lived here since birth. Also, she heard there would be 10-year-old boys working there for free. She was a polygamist at one time and knows that is not happening anymore.
  - \* This property affects her property and she believes they have the constitutional right to have a business. They have the right to have the permit.
- Betty Gould stated:
  - \* She is from Kanarrville Town, a nurse practitioner in occupational and industrial health, and the Kanarrville Town mayor.
  - \* She has a long history of life in Kanarrville. Her house has been in her family for 80 years.
  - \* Kanarrville Town is known for its cleanliness, air, soil, and water, which provides for the freedom of kids to grow and be healthy. The town is predominately residential and recreational area such as riding horses, 4-wheeling, and hiking.
  - \* Spring Creek, Zion, and Kanarra Falls also provide revenue to help beautify the area.
  - \* There is nothing derogatory here to have people oppose an industry coming in that is on the border of Kanarrville.

- \* She agrees with the concerns regarding traffic and the fire hazard.
- \* Depending on the type of welding, like iron oxide, there are fumes that may be contained within the building, but will escape into the atmosphere.
- \* If there are 10 people generally working daylight hours, she wonders if it may turn in to two 12-hour shifts. That type of industry carries with it toxic risk.
- \* It sounds like it has already been decided that the business will be permitted.
- \* Particulates, rainwater, and a transfer of toxic chemicals may contaminate agriculture areas and animals, so it is a risk.
- \* She is not opposed to industry, but doesn't want it at the southern border of a population that has been there for hundreds of years.
- \* She thinks there was deception by the owner and the county.
- \* She absolutely opposes the zone change and CUP.
- Mike Platt asked if there are any other welders in Kanarrville and Mrs. Gould responded there are hobby enterprises.
- Chair Thomas addressed concerns stating the CUP does not allow work between 9:00 pm and 7:00 am.
- Mrs. Gould asked how a residential piece of property is suddenly light industrial and the information was not brought to the Kanarrville town board. She feels it was done in a stealth manner.
- Michelle Tullis clarified with Reed that the property is not within Kanarrville Town limits and there are no plans for it to be.
- Dallas Buckner recommended those concerned listen to the past county planning meetings noting the owner realized the zoning needed to be changed and he is now going through the process to get permission to achieve what he wants. The plans have always been done above board through the county, not covertly or secretly.
- Keith Harroun asked how the raw product will be transported in and out.
- Mary Crase shared that she looks at the road every day and has not observed any trucks even during the building process.
- Rich Wilson explained that the road is a public road and no one is allowed to limit the public's use of a public road.
- Michelle Tullis asked if Cody Knudsen knew of the quantity of trucks.
- Cody Knudson replied that they were planning a 3 to 4 man crew, using A36 steel, and the trucks and traffic will be within the permit regulations noting they are trying to have a quiet low-key family business so it does not interfere with others.
- Randy Williams stated that if they wanted a commercial business, they should have purchased commercial property. He is concerned about the drainage and asked if there is a prescriptive ROW.
- Dallas Buckner stated that the applicant has worked with the county to make improvements regarding the channel with easements and with formal ROW's with the county.
- Randy Williams noted that drainage from both major water sources comes through the property and the road floods.
- Mary Crase stated the road was horrible before the Knudson's moved in and made improvements.
- Tyler Lewis stated and asked the following:
  - \* His family, including 3 small kids, moved to Main Street in Kanarrville 4 years ago.
  - \* Allowing industrial next to residential is a slippery slope. By allowing a permit today, what is stopping them from adding another building next year? There should be a better place for this.
  - \* As a business owner, he doesn't want to say they can't do something, but the map shows no other industrial around it.
  - \* The road goes to the landfill. He asked if the county would be willing to pave it.
  - \* Pinion pines around the business could catch fire accidentally, so they should have 200 yards cleared around the whole building. The building and perimeter should have sprinklers. If there is a fire, will the county be liable?
  - \* He is living on Main Street and the semi's driving through town shake his 100-year-old home. More trucks are not wanted.
  - \* More CUP's are not wanted. What are the limitations to adding more industry?
- Mike Platt explained that he could reach out to Kanarrville property owners and annex the parcel into Kanarrville Town and they would have the authority to stop them.
- Dayna Regouski asked if commercial businesses are in the rules in Iron County, do the neighbors have to give approval?
- Chair Thomas replied that no they do not have to give approval. Both the zoning and CUP's require a public hearing. A CUP is an allowed use if the zoning changes. The ICPC cannot stop an allowed use, but can put in mitigating factors to reduce the impacts.
- Nancy Hallows stated and asked:
  - \* She is trying to make an informed decision.
  - \* There is a reason it is currently zoned residential and was put in place to protect the town.
  - \* What type of trucks will be going and coming from the site now and in the future?
  - \* What's going to stop it from spreading to more commercial zones?
- Dallas Buckner noted that the applicant owns both parcels. When they were purchased, they were R-1, but were previously rezoned to RA-20.

- Reed explained that RA-20 has a minimum 20-acre lots size for rural agriculture.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion regarding the zone change:**

- Per Chair Thomas' request, Dallas Buckner reviewed the site plan:
  - \* Regarding drainage, the only hard surface is the 4800 square foot building. This has not increased the runoff at this point.
  - \* The building is 246 feet away from Spring Creek.
  - \* The nearest house to the building is over 1000 feet away.
  - \* Old Hwy 91 is 900 feet away.
  - \* This is a relatively small building on a large parcel.
  - \* The difference between RA-20 zoning and A-20 changes the number of employees. This is equal to a personal welding shop.
  - \* The property is not within Kanarrville Town or a part of it.
  - \* He and the applicant have gone through all the proper channels with Iron County.
  - \* The grand scheme is to have a 60-acre parcel with a steel building with living quarters. It is nothing like BZI.
  - \* Regarding fire concerns, the photo shows good vegetation clearance 50 feet north and south.
  - \* His client's intention is to keep the land beautiful with trees and vegetation.
  - \* They plan to have the property screened so it looks natural.
  - \* The building is not intended to be a big industrial facility, just a small steel building.
  - \* They plan to add a residence at some point.
  - \* The purpose tonight is to request the CUP and the zone change.
- Mari Pryor asked how many enforcement officers there are for the county.
- Terry Palmer explained there is one dedicated county code enforcement officer and 3 others that can help with code enforcement.
- Mari Pryor asked about fire code enforcement.
- Chair Thomas shared that paragraph 8, Defensible space requirements, of the CUP addresses fire mitigations with WUI and other fire protections deemed necessary by the Iron County fire warden and the Cedar City fire department.
- Terry Palmer clarified that if the CUP is issued, the applicant will have to resubmit new plans to be reviewed. They will not have to go through the whole permitting process, but due to the welding shop, the Iron County fire marshal and Cedar City fire chief will have an opportunity to review it.
- Chair Thomas recommended going through the zoning process first as a recommendation to the county commissioners.
- Reed explained that anytime there is a zone change request, it is reviewed for feasibility to accommodate the uses of the proposed zoning district.
- Regarding drainage, Chair Thomas asked Dallas Buckner, who owns a civil engineering firm if he has done the grading and necessary drainage study.
- Dallas explained there is major drainage that goes to a retention basin noting the building is located several hundred feet from the existing channel. The drone photos of the property show only the 4800 square foot of the building has hard surface on the entire property.

**Planning Commission Action – Recommendation to County Commission**

(Approve, Approve with modifications, Deny or Continue)

**Motion:** Michelle Tullis made a motion to recommend to the county commission to approve the zone change RA-20 to A-20.

**Second:** Seconded by Jared Christensen.

**Motion passed:** (Voting: Roger Thomas, aye; Jared Christensen, aye; Michelle Tullis, aye; Mike Platt, aye; Erick Cox, aye)

**5. CONDITIONAL USE PERMIT APPLICATION – “Light Industrial”**

Located near 563 S Spring Creek Rd, Kanarrville, UT – within the SW¼ Sec 35 & the SE¼ Sec 34, T37S, R12W, SLB&M, Iron County, Utah (APN: E-0340-0005-0000). *Applicant: Glen Knudson*

**Introduction:**

Refer to Agenda Item #4, Introduction.

**Public Comment Period:**

Refer to Agenda Items #4, Public Hearing.

**Planning Commission & Staff Discussion regarding the CUP:**

The staff and ICPC members clarified:

- The CUP would be granted contingent on the zone change approval by the county commission.
- The applicant has three to four employees welding normally, but would like to go up to six to -eight on a big project.

- In previous CUP's, to keep it small, Iron County has used 10 as the allowed number of employees, but at no time more than 10.
- The applicant has no desire to run a huge business on this property.
- Paragraph 7 of the CUP requires the entire property be fenced. The applicant has fenced all the way around except over the mountain on the property where it is too steep. The property does contain 30% slopes and will have no buildings in that area in the future.
- Paragraph 3b limits the property to 10 delivery trucks per week so road improvements are not necessary; this excludes small trucks like UPS and FedEx.
- Spring Creek Road is very slippery when it is wet. Old Hwy 91 turning on to Spring Creek Road is where the safety issues would be most important.

Chair Thomas read the CUP Review & Findings (Section 17.28.050) and the planning commission found the application to conform with the required provision of this section.

**Planning Commission Action – Recommendation to County Commission**

(Approve, Approve with modifications, Deny or Continue)

**Motion:** Erick made a motion to approve the CUP based on the findings contingent upon the zone change approval by the county commission.

**Second:** Seconded by Mike Platt.

**Motion passed:** (Voting: Roger Thomas, aye; Jared Christensen, aye; Michelle Tullis, aye; Mike Platt, aye; Erick Cox, aye)

**6. COUNTY CODE AMENDMENT – Ordinance 2024-1, Subdivision Procedures and Noticing Requirement Updates  
“Titles 15, 16 & 17, Iron County Code” in compliance with state code changes.**

**Introduction:**

Reed Erickson shared the following regarding the proposed ordinance changes:

- This discussion will have a lot of information, so he asked the ICPC members to review the handout further after the meeting.
- The changes are because the legislature passed bills SB-174 and SB-43, which requires the county to have these in place by February 1, 2024.
- The plan is to review the information and have a public hearing tonight, review the information over the next month, make a recommendation at the ICPC meeting January 4th, and then take the changes to the county commission meeting on January 8<sup>th</sup> and 23<sup>rd</sup> so in can be implemented by February 1, 2024.
- SB-174 directs updates to Sections 17-27a-604.1 and 604.2 (UCA).
  - \* Section 604.1 requires:
    - The County must appoint an Administrative Land Use Authority (ALUA) that has the responsibility to review and approve residential single, two-family, and townhouse subdivisions without the approval of the county commission/legislative body. All the ordinances need to be in place and the rules laid out, so if the application complies with all those requirements, the ALUA can approve the subdivision.
    - A sketch meeting in so longer required, but the applicant may request one. The sketch meeting and response from the ALUA must be done within 15 days.
    - The final plat cannot be reviewed by the County Commission, just the ALUA.
  - \* Section 604.2 requires:
    - The application must be reviewed within 15 days of submission and comments from the ALUA must go back to the applicant by then.
    - The applicant has 20 days to respond back.
    - The above-mentioned process may only be done 4 times total.
    - The process may be done in the preliminary process or the final process, but the staff's preference would be in the preliminary plat process.
- SB-43 directs the county regarding noticing requirements:
  - \* The County must implement Class A or Class B notices.
  - \* Reed suggested adding additional notices that are not covered by Class A or Class B, but that the County does regularly.
  - \* The County will no longer advertised in the newspaper which will streamline the process.
  - \* Reed identified all of the land uses and which notice(s) would be used and created two spreadsheets that outline which process of approval is required, which notices to use, who oversees it, and what procedure type it is.
  - \* Because Utah State law is basing the notices on the type of subdivision. Reed is suggesting adding more details based on the types of subdivisions and the sizes of subdivision we do here at the County. The staff is suggesting using the same process for all to make it consistent.
  - \* The two spreadsheets have all the ordinance change information and are broken out based on size rather than type of use.

- \* The County's ordinance says 14-day notices are required, so we will make it 10 days to match state code. Regarding public hearings, Reed shared an example:
  - CUP's are a Type V procedure which means it goes to the planning commission who is the land use authority, but having a public hearing is not required. He suggested the staff and planning commission discuss this further.

Comments made by the ICPC included:

- Chair Thomas feels it is the job of the ICPC to give a forum for people to say what they need to say. Reed, the staff, and several ICPC members agreed.
- Mike Platt shared that as a design professional, when he first heard no public hearings he hated it, but now he likes it. If the application is in compliance why have a public hearing?
- Jared Christensen shared his concern they he doesn't always get mail in 10 days.
- Erick Cox clarified that if the first response is not given by the ALUA within 15 days, the land use permit is automatically approved.
- Terry Palmer explained that other jurisdictions have been taking too long to respond so we are feeling the effects.
- Erick Cox asked if any letters received after the first response could still be reviewed because of the back and forth process between the applicant and the ALUA.
- Mike Platt stated he doesn't think the letters should be applicable if they are received after the first deadline unless the issue is life threatening.
- Terry Palmer shared that the legislature currently requires building and zoning 14 days to respond, and now developers are pushing for this same shorter process.
- Mike Platt shared that if a developer goes to an engineer with real desire they will proceed, but will have to weed out those that are not serious or ready to proceed.
- Reed confirmed that the responsibility to be prepared will fall back on the developer and the engineer. The County won't be able to "hold" an application anymore.
- Rich emphasized that the complete application will have to be done prior to coming to the County.
- Chair Thomas is in favor of the nomenclature of notices to be consistent. Instead of Basic and Special, use A, B, C, D, etc.
- Chair Thomas confirmed that the notice for CUP's would change from "may" to "shall" be approved.

**Public Hearing:**

Chair Thomas opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed reviewed the following:
  - \* The public hearing was held tonight, so he will continue to make suggested changes in the ordinance language in Titles 15, 16, & 17 of the code over the next month.
  - \* Based on a provision in the statute put in place last year that allows for an owner of an agriculture property that has a house on the property to split that portion off, he would like to add to the ordinance that the owner may break off the property with the house without going through a subdivision process. If they meet the zoning requirements, it would be considered a one-time split that requires the remaining land to be an agriculture zone.
  - \* There are a number of changes related to notification procedures. Title 16, Subdivisions, has 59 pages and Title 17 has 24 pages so far, so it will be a lengthy process to update, but now feels he has the direction the ICPC wants to go.
- Chair Thomas asked if it is an agriculture home split, is it one-time only?
- Reed clarified the home must already exist on the property so they can create a lot for that home. Also, that possibly if there are multiple homes each on 20 acres, they may be able to split off each home, but will have to research this further.
- Jared Christensen said that the county did that out in his area and split up 80 acres.
- Reed clarified that was done with a cluster subdivision and that is different. The one-time split is an exemption to the subdivision process.
- Reed asked the ICPC members to look through the spreadsheets and give him input. Otherwise, he is going to start amending it.
- Reed shared that they talked at the last meeting about a new review board using the staff. The staff decided creating the board would make it subject to the Open Meetings Act so they changed it to the zoning administrator.
- Chair Thomas shared concern that if the applicant requests a sketch meeting out of the normal cycle, it may delay the process.
- Reed explained that the sketch-meeting group meets twice a month so it should not cause a problem.
- Reed continued by stating the staff felt the ICPC needed to also review the table of uses in Title 17, stating some may not need to be CUP's, including:
  - \* Some uses could be Administration Land Use Permits (ALUP)
  - \* Some uses could be allowed and others prohibited.

- Reed asked that the ICPC look at the draft and give him feedback and gave the following dates to accomplish the code changes.
  - \* December 7, 2023 – ICPC Public Hearing and Discussion
  - \* December 2023 – Make discussed changes to the ordinance language for Titles 15, 16 and 17 and add the exemption provision for an agriculture one-time split (17-27a-605-(5))
  - \* January 4, 2024 – ICPC Review changes and make a recommendation to be taken to the county commission.
  - \* January 8, 2024 – County Commission Public Hearing and Discussion
  - \* January 22, 2024 – County Commission Action/Approval
- Rich Wilson shared that the new FEMA flood maps will require something to be in place for ground disturbance and grading. When the grade changes the topography and flood potential changes with it. This is not an immediate need, but will need to be in place by in 2028-2030 so the county needs to move that way.
- Reed stated he would add to the ordinance the Land Disturbance Permit, which includes an agriculture exemption.
- Michelle Tullis asked if someone has 5 acres and they scrape weeds to build an arena would a permit be required.
- Erick Cox stated it would depend on if it was for construction or not. DEQ requires a sweeping permit for 1-acre or more. The state has procedures that the county could model.
- Chair Thomas noted that this is enforced in other municipalities, but not here.
- Reed noted this is new for the county and it will need to be defined.
- Jared Christensen stated that in Beryl, when someone clears 5 acres, the neighbors are angry. The people moving in don't realize the ground has cover to keep the dirt from blowing everywhere. He asked if having permits stop that.
- Reed clarified that the process will help the property owner know what permits are needed for land disturbance, not just for water, prairie dogs, etc.
- Michelle Tullis asked how the county would educate the public.
- Terry Palmer said the county would have to start by educating the builders, realtors, etc.

**Planning Commission Action – Recommendation to County Commission**

(Approve, Approve with modifications, Deny or Continue)

**Motion:** Erick Cox made a motion that the discussion of the county ordinance changes be continued to the next meeting.

**Second:** Seconded by Jared Christensen.

**Motion passed:** (Voting: Roger Thomas, aye; Jared Christensen, aye; Michelle Tullis, aye; Mike Platt, aye; Erick Cox, aye)

7. **MINUTES**... consider approval of minutes for the October 5, 2023 & November 2, 2023 meetings.

**Motion:** Jared Christensen made a motion to approve the minutes from October 5 and November 2, 2023.

**Second:** Seconded by Mike Platt.

**Motion passed:** (Voting: Roger Thomas, aye; Jared Christensen, aye; Michelle Tullis, aye; Mike Platt, aye; Erick Cox, aye)

8. **STAFF REPORTS**... A. Building Department                      B. County Attorney                      C. Planner & Services Coordinator  
 No reports given due to time constraints.

9. **ADJOURN**

Chair Thomas adjourned the meeting at 8:20 pm.

2024  
 Minutes Approved January 4, 2023 by the Iron County Planning Commission



Signed

1/5/2024

Date

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**

**March 7, 2024**  
**MINUTES**

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

**Member Present**

Mark Halterman – Vice Chair  
Michelle Tullis  
Michael Platt  
Laine Sutherland  
Erick Cox

**Member Excused**

Roger Thomas - Chair  
Jared Christensen

**Staff Present**

Reed Erickson	Iron County Planner/Services Coordinator
Sam Woodall	Iron County Deputy Attorney
Terry Palmer	Iron County Building Official
Chelsea Boxwell	Iron County Building/Zoning Dept.
Nate Dennett	Iron County Building/Zoning Dept.
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Dept.

**Others Present**

Kendall Kelsey  
Carla Kelsey  
Charlie McKnight  
Laurie McKnight  
Tammy Llorens  
Daniel Llorens  
Pat Wall  
Lorine Hanson  
Sarah Oler  
Tina R.  
Christie Frisby  
Michael Carpenter  
Teresa Moon  
Sean Moon  
Tony Galindo  
Alexandra Galindo  
Jeff Stiller  
K. Wayne LeBaron  
Wade Wagner  
Bob Platt  
Judy V Jensen  
Vino Shanbhag  
Sam Bauer  
Robert Ballou  
Robert Kurth  
Cody Roberts  
Teresa Larsen  
Laura Barnowski  
Jim Barnowski  
Heather Butler  
Jody MacLee  
Stewart MacLee  
Brian Zeppenfeld  
Eliana Broadway  
Lauri Borski  
Paul Nelson  
Susan Nelsen  
Ben Walkowiak

**Representing**

Self/New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
Self/New Harmony  
Kanarra  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
Energy RT  
Kanarraville/New Harmony  
Platt & Platt Inc.  
Vandenburghes  
New Harmony  
Self  
Self  
Self  
Self  
Self/New Harmony  
New Harmony  
Self  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
Self  
Self  
Self  
New Harmony

**Others Present**

Reid Walkenhorst  
Jaime Tamraker  
Ryan Riddle  
Kurt Lundquist  
Don Williams  
Cynthia Long  
Deborah Long  
Carole Cragun  
Jill Gourley  
Georgia Borowski  
Jeanne Young  
Victoria Hales  
Martha Lee  
Craig Parmley  
Paul Monroe  
John Southwick  
Tim Pfeiffer  
Norman Bryce  
Paul Roelandt  
John Rose  
Lezli O'Hara  
Doneva Hecker  
Fred Kix  
Andi Burton  
MaryEllen Southwick  
John Hays  
Andi Bussey  
Ganesh Tamraker  
Douglas Folland  
Geoff Nason  
Sharon Folland  
Steve Burns  
Mary Wininger  
Frank Borowski  
Jeff Richards  
Pat Pfeiffer  
Marion Walkowiak

**Representing**

Washington County  
New Harmony  
State/Iron County Fire  
New Harmony  
New Harmony  
Chekshani Cliffs  
Chekshani Cliffs  
Harmony Farms Water  
Harmony Farms Water  
New Harmony  
New Harmony  
Washington County  
Washington County  
Washington County  
CICWCD  
Self  
Self  
Self  
Self  
Self  
Self  
Self/New Harmony  
Kennel CUP  
Self  
New Harmony  
Self  
New Harmony  
New Harmony  
New Harmony  
New Harmony  
Kanarraville  
New Harmony  
St. George News  
New Harmony  
New Harmony

Note: Many others were in attendance that did not sign the registry.

### 1. WELCOME AND PLEDGE OF ALLEGIANCE

Vice Chair Mark Halterman opened the meeting at 5:30 pm.  
Erick Cox led the Pledge of Allegiance

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

No comments made.

### 3. TIER III GENERAL PLAN AMENDMENT – “New Harmony Ranch, Village” (482.86 Acres)

Located near 2900 E Hwy 144, New Harmony (APNs: E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-0000, & E-0409-0011-0000).

#### Introduction:

Reed Erickson shared the following:

- The 3 related actions will be presented together, but will require separate actions:
  - \* Tier change from Tier IV to Tier III
  - \* Zone change from A-20 to SPA (Special Planned Area) Zone
  - \* The Development Agreement between Iron County and the developer (New Harmony Ranch LLC).
- The next public hearing is scheduled for March 11<sup>th</sup> at the County Commission Meeting.
- In 1995, this County General Plan was incorporated with several amendments since. In 2005, there was a significant amendment for Tier III and the SPA zone.
- If anyone wants to develop a Tier III area, they have to provide all the services.
- The 4 different tiers are:
  - \* Tier I: Land available for urban growth within existing municipal boundaries. There are 6 in Iron County. Kanarrville is the closest to the proposed development.
  - \* Tier II: Land available for Urban Growth.
  - \* Tier III: Land that may be developed as a new master planned community, village, or resort. Two of the previously approved Tier III project were never developed. In 2005, the county expanded the ability for Tier III to go throughout the county. All services must be provided by the developer such as sewer, water, incorporation, special districts, interlocal agreements or other methods regulated by the county. Some communities don't want to grow, so if someone wants to come in and provide the services they can with this ordinance. These services are codified in the development agreement.
  - \* Tier IV: Land generally appropriated for agriculture uses and rural density. The majority of the county is Tier IV that is outside of Tier I and Tier II.
- There are a few Tier III areas in Iron County noting Aspen Creek and Three-Peaks Golf Community, which were never built.
- There are 3 categories in Tier III: a resort, a village, or a new community. The proposed village development is 320 acres minimum, less than 1,000 housing units, and does not meet the description of a resort. The developer has submitted a master plan not a final subdivision plan.
- Chapter 17.42, Iron County Code, covers the requirements for a development agreement and those will be followed.
- The developers Master Plan includes zoning, roads, a trail system, treatment facilities, and a general layout. There is not a specific design created by an engineer yet. No lots can be sold until a subdivision phase is approved and they have water and sewer, etc. Things could vary during final engineering.
- Exhibit B shows the zoning districts. Zones and uses are listed plus what is allowed. “X” = prohibited, “P” = permitted, “C” = CUP, “A” = ALUP. The county will go through the zoning process and enforce those uses. The proposed use chart is part of the development agreement.
- Water is provided by CICWCD and is working with the developer on the requirements.
- The housing plan is for 547 dwelling units for mixed housing such as a 60 unit hotel and mixed uses such as commercial and open space for recreation.
- The ICPC members heard the concerns at the last meeting. They have received all the letters submitted. Also, those letters have gone to the county commission as well.
- The following concerns have been shared by the public and reviewed by the staff:
  - \* Higher density, multi-family units and their affordability.
  - \* Water use and the impacts to the aquifer.
  - \* Increased traffic.
  - \* Maintaining the rural atmosphere.
  - \* Wastewater treatment and discharge.
  - \* Buffering along Hwy 144.
  - \* Diminished quality of life.

- \* Wildlife and the movement patterns.
- \* Storm drainage into Kanarra Creek draw.
- \* Lighting & night skies.
- \* Ground contamination from construction.
- \* Fire safety and evacuation challenges.
- \* Crime without close law enforcement.
- \* Noise pollution and trash.
- \* Post office impacts.

- The developer has ordered a traffic study to satisfy UDOT's concerns.

Rich Wilson shared that the county put traffic counters on Hwy 144 for the past 13 days and gathered the following information:

- The eastbound average daily traffic number was 476. The westbound average was 472.
- Peak commuter hours are from 6am to 9am and 3pm to 6pm. The data shows the average is 40 vehicles per hour going east and 34 vehicles going west, during those peak hours.
- Weekend peak hours are from 6am to 9am and 3pm to 6pm showed the numbers dropped significantly.
- Currently, traffic is using 2.7% of Hwy 144's capacity based on the Federal Highway Administration's data for a 2-lane road with no traffic controls. They did not use complex calculation because that wouldn't make a difference. Their number is 1,490 vehicles per hour. Although the neighbors may disagree, that is what the FHA says.
- If New Harmony Ranch is fully occupied, there could be 470 vehicles an hour during that period of time. For the hotel, during peak hours, there would be approximately 25 vehicles per hour. So based on federal information, and everything being fully developed the road would be at 33.2% of capacity. This means 64% capacity is left over or 955 more cars could be added to the road based on those numbers in a perfect scenario. Remember that the numbers were set by the federal engineers, not the county.
- Monitoring of the I-15 onramps and off-ramps was done in a shorter time period, but the numbers were consistent.
  - \* The data shows 588 vehicles drove on the southbound ramp toward St. George daily. This included approximately 110 vehicles coming from Kanarrville, so it was consistent. On the weekday mornings 50 cars were headed south and in the afternoon there were 41 heading south.
  - \* The traffic counter on the southbound ramp showed 20 vehicles per hour in the morning and 47 in the evening. On the weekend it dropped, but that could be because of the hours chosen to monitor were 6-9am and 3-6pm.
  - \* On an average day, there are only 100 more vehicles.
- As mentioned previously, the developer has agreed to do a traffic study. Hwy 144 was UDOT's road, but they turned it over to Washington County for maintenance.
- The width of the road is 24 feet, travel lanes are about 10 feet. Usually, Iron County has a little wider road, but the Federal Highway Administration does not distinguish between those 2 widths. The speed limit is 50 mph.
- The road capacity is about 3 cars per second if they are traveling at the speed limit with proper distance. The average vehicle will cover 95 feet at 65 mph per second. You have to consider it is a mathematical determination. Spacing and speed limit drive it. In front of the New Harmony Ranch development, there is well over 1000 feet of line of sight in both directions.
- Acceleration and deceleration lanes are being required for the development. The previously mentioned number for capacity of 1,490 would increase by almost 10 times with the acceleration and deceleration lanes.

Reed noted:

- Because of safety concerns, the county wanted to have places to get in and out of the development and commercial businesses without backing up any traffic. The numbers don't warrant the need for the acceleration and deceleration lanes, but were added as an additional safety measure. The county and the developer will work with Washington County to comply with their roads standards.

Rich continued:

- The county is also requiring a second exit out of the subdivision.
- He has driven the dirt road from Kanarra Hills and Mountain Road several times.
- On the map, # 5 is where the cattle guard is and #1 is where they are proposing to have a trail that can substitute as an emergency exit road.
- Photos taken yesterday show the worst part of the road, but they plan to go east of that so it would not cross through the wash. The distance to the cattle guard is 1 mile.
- The County Fire Marshall has previously evacuated vehicles to the east to the north, not to the west so that is why this location was chosen.
- The distance to the cattle guard is 1 mile from the proposed exit. The next photo shows the road north of the cattle guard.
- The fire marshal confirmed muddy roads exist during winter, but not necessarily during fire season.
- Any evacuation will be controlled by the Fire Marshall, Highway Patrol, and County Sheriff.
- There is going to be a second exit and the county will work with the developers to determine improvements, such as culverts.

Reed mention that the ICPC is aware of the concerns expressed previously and with letters so they do not need to hear them again.

### Public Hearing:

Vice Chair Halterman opened the public hearing and noted each person would receive 3 minutes to speak.

The following comments were made:

Paul Monroe, Central Iron County Water Conservancy District, stated the following:

- In effort to save comments regarding water, he will explain how water will be supplied to the proposed development.
- To begin he quoted Mathew Ketchum who said, "Ancient wisdom tells us that we stand on shoulders of those who have gone before us, sit in the shade of trees we did not plant, and we drank from wells that we did not dig."
- The CICWCD has a great partnership with Chekshani Cliffs.
- The well that services Chekshani was approved by the State at 242 gallons per minute. That numbers shows it is currently at 60% capacity. The well provides 1040 hours, which is 16% of total 18,700 in a year. It only ran for 60 days of 365 day in a year.
- There are concerns that there is not enough capacity. There is enough according to the CICWCD engineers. The well could provide 275 homes and up to 400 with conservation. Other wells are nearby, but they don't like to use them due to the water quality. In the last 10 years, growth has been 6.3% so there are now 57 homes in Chekshani Cliffs subdivision. This current project will not happen overnight.
- Additional concerns have been expressed regarding water quality. The district has been analyzing the area in Cedar Valley. There is a high amount of tds when you get close to the eastern mountains. As they analyze further west the quality of water improves.
- Regarding water serviceability, the district is not allowed to stop a development. Their job is to provide water for everyone in the county. They chose to enlarge the Chekshani well to plan for future development. They are monitoring the quality and the source of the water. Water will have to come from somewhere. The development will need existing water rights. The rights are the same water, just repurposed. The developer would have to meet all of CIDWCD's requirements including additional storage and as it is developed, they would drill more wells. The CICWCD would utilize impact fees as development occurs.
- Vitoria Hales, Washington County attorney, shared:
  - \* New Harmony residents are concerned they have no influence in this matter. Please consider the neighbors to the south.
  - \* Washington County does have interest in infrastructure and how this may impact Washington County.
  - \* It is in everyone's best interest to continue access onto RS2477 roads. Please keep those open.
  - \* A traffic impact study should be required for this project.
  - \* Drainage impacts to the neighbors should be considered since there will be ditches, but no curb and gutter.
  - \* Iron County should require the developer to have a development agreement with Washington County.
  - \* Washington County requires an agreement regarding roads.
- Mike Chandler, Ash Creek Special Service District, shared the following concerns:
  - \* The county needs to adopt the updated septic density study.
  - \* The Ash Creek SSD and the Washington County Commissioners have concerns about treatment of wastewater and would like to work with the development on this.
- Reid Walkenhorst, Washington County planner and resident of Iron County, shared:
  - \* A gated subdivision does not seem appropriate.
  - \* Public lands are to the north so he wants to make sure trails for horseback riding are available.
  - \* Hwy 144 is a gateway to Washington County and he would appreciate keeping the agriculture feel along the road.
- Dianna Stiller stated the following:
  - \* She clarified that all 3 public hearings were happening together right now.
  - \* Tier III is new to Iron County and she asked the ICPC to approach the decision with caution regarding feasibility, compatibility, and what Tier III allows.
  - \* New Harmony is already a community and they don't want another one.
  - \* She listened to the audio of the January ICPC meeting and heard the ICPC members concern about water and if the planning commission should be approving.
  - \* Speaking on behalf of the "New Harmony Stay Rural" group, they want it to remain rural.
  - \* They plan to share additional fact based research to show why this is not a good fit for the New Harmony area.
- Carla Kelsey, speaking for the heart of New Harmony, shared there is a recurring theme to the comments that include:
  - \* The valley is unique and that they have chosen to live there because they are choosing a way of life.
  - \* He is troubled that others feel it is a stepping-stone.
  - \* We are residents who love our town and neighbors.
  - \* There are other places where this project would be welcome, but not here.
  - \* This will destroy the community by those who do not love it and it needs to be protected as it is and for future generations.

- Wade Wagner, owner of property on both sides of Hwy 144, stated:
  - \* He is opposed to rezoning because once it is done it can never go back. Respectfully, he asked the county to keep it rural.
  - \* He has observed big companies come in and get approval and then they sell the property. The new owners come in and want smaller lots. He is worried the development won't happen the way they say it will.
  - \* Just because you can put 3000 lbs. in an elevator doesn't mean you should. Increased traffic includes increased safety concerns on a 2-lane hwy.
- John Lee expressed the following:
  - \* Thank you to the commission for letting him speak.
  - \* Even though the developer has checked all the application boxes to this point doesn't mean it's a good thing going forward. Compatibility with the area and with neighbors should be considered.
  - \* The development agreement should require draining and profile studies.
  - \* When additional water is pulled out of a well, the water quality changes.
  - \* The water table dropped 50 feet just north of the current well that CICWCD talked about. Ten times that capacity will need to be served with this development.
  - \* This project doesn't fit with the lifestyle in the area. It is a scar on the valley. If the parcels were 5, 10, or 20 acres, it wouldn't be opposed as much. It doesn't fit and it shouldn't fit.
- Robert Kurth, representing the Kurth Trust, stated:
  - \* The ordinance states that the project is supposed to be contiguous with the surrounding properties and have the least impact on adjacent property.
  - \* He talked to developer last week and feels he should be able to see the development agreement.
  - \* He is concerned about proper drainage and proper fencing.
  - \* If this project is approved, they need to show they can do everything that is planned. They need to show that money is committed to this project.
  - \* Chekshani Cliffs well needs to be considered. This development may turn out great, but if you look at the Washington County development that is below it and Chekshani Cliffs, they have taken 30 years to develop.
  - \* His family has owned the neighboring property for more than 30 years. They were not talked to by the developer prior to the plan being submitted even though his family's property is almost the last piece of land in Iron County.
  - \* The ordinance says R-1/2. The hotel makes it a resort, not a village.
  - \* He is worried about lighting, fencing, and a water tank.
  - \* He would like the developer to consider 5-acre parcels.
  - \* Urban growth should start in the center of the county and move out and asked why they would allow growth down at the bottom of Iron County.
- Dan Llorens shared the following concerns regarding public safety:
  - \* There is not enough law enforcement officers and nothing addresses the Iron County Sheriff's department coverage.
  - \* If approved, the population for the area will double or triple and asked if the development will have cops located there and what provisions are in the proposal to handle the safety.
  - \* A hotel will need officers or a deputy.
  - \* He asked that the ICPC vote no on the existing proposal. He wants something more realistic and fits the community.
- Jodie McLee, an Iron County School District teacher, shared her concerns regarding the impacts on schools and buses:
  - \* Although it won't be overnight, potentially 547 new students will be added to Iron County schools.
  - \* Eleven new buses would be required at 3 students per seat for a total of 72 students per bus.
  - \* The teacher student ratio will be 22 new students per class at the middle school and 24 at elementary and high schools.
  - \* The children in New Harmony are on the bus by 6:30 in the morning. School offices don't even open until 7:30 or 8:00 am.
  - \* If half of those students are in elementary school, the district will need 11 new teachers. The middle and high schools will need 6 more teachers each. Over \$1 million will be needed just for teachers. That doesn't include buses, fuel, etc. The money is not there. Buses are overcrowded and there are not enough drivers.
  - \* If the developers match the area with 5-acre parcels, it would only add 90ish students total.
  - \* We vote no and ask the county to keep it in Tier 4 and do 5 to 10 acre parcels.
- Jim Carter, Iron County resident, shared:
  - \* He is favor of the development.
  - \* Many issues have been raised and those things have already been addressed.
  - \* Controlled growth is good and necessary and provides good jobs. Good housing is needed as population increases.
  - \* The developers have expertise and have designed a subdivision that should be welcomed in any community in the country. This is good for Iron County.

- Carole Cragun stated:
  - \* Two water wells supply the New Harmony Parks subdivision.
  - \* Several months ago, Mr. Esposito and Mr. Carter requested they provide water.
  - \* More than half of the properties are within our water source protection plan. With the lowering water levels, the development cannot be supported.
  - \* Kanarra Creek runs through the proposed development property and many others. The treatment plant will be affected during flooding of the creek and that will come into others property and cause their insurance to go up.
- Diana Stiller asked if the attendees could discuss each of the 3 items separately since time was running short.
- Mark Halterman stated he would allow 15 more minutes of public comments.
- Jon Hayes, New Harmony, shared his interest from the waste water side:
  - \* He has been involved in wastewater for 40 years and knows about it.
  - \* His concern is the discharge permit, which has to be received. That permit will be based on where it is discharged.
  - \* The discharge would probably be Kanarra Creek so the restrictions and quality will be high.
  - \* There will be odors next to Hwy 144, which is not a good thing in his opinion.
  - \* There will be 400 gallons of wastewater per home and it may cost \$30 per gallon to process. That is \$6 million.
  - \* Costs will have to be burdened by someone and wonders if the homeowner will be able to afford it. He is questioning the feasibility, the cost, and whether a Special Service District will pay for it with property taxes. He thinks it will be difficult.
- Frank, New Harmony, shared concerns about the process:
  - \* The county has one shot to do it right. Moving from Tier 4 to Tier 3 is new.
  - \* There is not a lot of depth in the feasibility study. No costs or impact studies to the aquifer have been done.
  - \* The school bus situation needs to be addressed.
  - \* He doesn't want this to be done quickly, he wants it to be done right so it can be repeated, but he doesn't think it's on that route.
- An audience member asked if this project was carved in stone. They also asked what the current excavation happening along Hwy 144 was.
- A staff member answered that the excavation is for an internet tower and it has nothing to do with this development.
- Mark Halterman noted that it was already approved by Washington County.
- Laurie Boronowski stated the following regarding Special Service Districts:
  - \* The State statute 17D is written to apply only to existing developed areas. It is being used for vacant land in this case, but it is not written that way.
  - \* There is no protest period allowed according to this statute. You have to be a resident within the SSD to protest, and no one is there so no one can protest. The legislature did not have the intent to deny any resident in Utah from being able to protest. She asked that the State statute be reviewed.
  - \* She has had lengthy conversations with the Utah Association of SSD's. They would not agree officially, but they did agree with her and understand her point.
  - \* Other options could be a Public Infrastructure District.
  - \* She asked that the statute be reviewed and to reconsider having a SSD for the sewage treatment.
- Mary Winingar shared:
  - \* She moved to Kanarraville because of the lifestyle.
  - \* She owns property in Kanarraville and her backyard next to the newer Kanarra Falls parking lot.
  - \* There are thousands of people coming into our streets. No one told the property owners this would happen. The street are now ruined and safety on roads has become a concern.
  - \* Other issues include people using their hoses to drink out of, sitting in their yards, hundreds of cars parking along the streets, constant noise from cars and car doors. Since there is no sidewalk, cars park on their property. She doesn't know how long it will take to resolve the issues.
  - \* She is a teacher at Iron Springs where they try to keep class sizes down. Teachers are not allowed a student aid until 30 kids are in the class. One reason teachers are leaving is because of the class sizes.
- Brad Esposito, New Harmony Ranch Developer expressed the following:
  - \* He thanked the ICPC and planning department for their work.
  - \* There is a lot of misinformation out there.
  - \* He wants the ICPC, Washington County, and Ash creek District to know is that they will work in good faith with each of them.
  - \* They are taking all the necessary steps and will do everything they are being required to do, and more, in the development agreement. For example they offered to do the acceleration and deceleration lanes. UDOT recommended, but did not require they do a traffic study, and they have already ordered it.
  - \* He asked the ICPC to give them the opportunity to continue the project.

- Reed Erickson stated the following:
  - \* Creating a Special Service District is the only option under the State statues. A Service District cannot work. The county and developer can work with the Ash creek District to see if they can extend their boundary.
  - \* Creating an SSD is a state approved process and anyone can protest. The qualifying votes that would count to shut it down have to be within the district. When 25% protest and are within the district, it cannot be created.
  - \* There is some confusion between a Service District and a Special Service District. The public hearing starts the protest period to gather info. Only people within the district boundaries will be affected by the SSD. No one else will be taxed other than those within the district. Attorneys representing the SSD will be at the County Commission meeting on Monday, March 11th.
  - \* Flooding and how it will be engineered will be addressed at each subdivision phase.
  - \* Deputy Humphries is here representing the Sheriff's department. Ryan Riddle is here representing the fire department.
- Ryan Riddle, Iron County Fire Warden spoke about wildland fire concerns:
  - \* He has worked very closely with Reed. They have met several times with the developer and with Cedar City fire department.
  - \* Cedar City is contracted to provide services to Iron County. Mutual aid agreements are also in place.
  - \* He has been here since 2002 and very aware of the area. He has lots of experience in mitigating fire issues.
  - \* Historical information is being shared to curtail fire disasters.
  - \* He has discussed a location within the development for a future fire station.
  - \* Fire is always a concern when there is any growth and they will stay focused on it.
- Deputy Humphries shared:
  - \* The Sheriff's department is always looking ahead 20 years. They do not looking at each subdivision, but they are looking at the county as a whole.
  - \* They are prepared to provide law enforcement and emergency services, and to move people around to provide those services.

**Planning Commission & Staff Discussion**

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

**Motion:** Michelle Tullis made a motion to recommend to the county commission approval of the tier change from Tier IV to Tier III.

**Second:** Seconded by Erick Cox.

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

**4. ZONE CHANGE APPLICATION – “A-20 to SPA” – (New Harmony Ranch, Village Project – 482.86 Acres)**

**Located near 2900 E Hwy 144, New Harmony (APNs: E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-0000 & E-0409-0011-0000).**

*Agenda items 3, 4, & 5 were discussed together. See discussion details under Agenda item 3.*

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

**Motion:** Mike Platt made a motion to recommend to the county commission approval of the zone change from A-20 to SPA.

**Second:** Seconded by Laine Sutherland

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

**5. DEVELOPMENT AGREEMENT APPLICATION – “New Harmony Ranch, LLC”**

**Located near 2900 E Hwy 144, New Harmony (APNs: E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-0000 & E-0409-0011-0000).**

*Agenda items 3, 4, & 5 were discussed together. See discussion details under Agenda item 3.*

Reed Erickson shared a few details regarding the development agreement:

- The staff is required to make sure each of the development agreement steps are completed.
- A draft of the development agreement specifics has been given to each of the ICPC members.
- The county's and applicant's attorneys have worked together to get it through the draft stage.
- The ICPC members are welcome to ask questions. No questions were asked.

**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 Development Agreement with New Harmony Ranch, LLC.

**Second:** Seconded by Mike Platt.

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

**6. CONDITIONAL USE PERMIT AMENDMENT APPLICATION – “Kennel, Dogs” Andrea Burton (5.70 Acres)**

**Located at 9216 W Highway 56, Cedar City (APN: E-0241-0005-0002)**

**Introduction:**

Reed Erickson explained the following:

- The owners, Andrea Burton and her husband are in attendance tonight.
- The property is location on Hwy 56 west of Quichapa. BLM land is located north and west of the property.
- The owner's home and the indoor kennel have already been built. They requested a CUP once they learned they needed one to operate the kennel.
- The CUP draft allows a maximum of 60 small dogs including puppies. The owners currently have approximately 25 on the property.
- Potential impacts are noise, odor, and traffic. Noise will be contained within the building, odor will be handled with a septic system—solid waste hauling, and traffic will be minimal due to business being primarily conducted online.
- The county has a provision in the code for kennels stating it should be on a 20-acre parcel. The staff's recommendation tonight is to approve this CUP contingent on an ordinance change and at the next ICPC meeting to recommend an acreage ordinance change.

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

- Marilyn Wood shared that she has known the owners for a very long time. They take care of the dogs properly, they do a good job, and they are very clean. She gives her endorsement of the kennel.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

- Erick Cox read the Cup Review and Findings (Section 17.28.050).
- Reed mentioned he sent the list of things that can be regulated to the ICPC for review.
- Erick asked how close to BLM land the kennel is. He is concerned about hikers harassing the dogs.
- Reed explained that the dog run is over 60 feet away.

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

**Motion:** Mike Platt made a motion to approve the CUP with the condition the county change the ordinance acreage requirement.

**Second:** Seconded by Michelle Tullis.

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

**7. CONDITIONAL USE PERMIT APPLICATION – “Recycling Processing Facility” Energy Recycling Technologies LLC c/o Wayne LeBaron (20 Acres). Located near 11145 N 700 E, Cedar City, UT (APN: D-0404-0005-0000)**

**Introduction:**

Reed Erickson shared the following:

- \* The location is west of the towers off of Minersville Hwy north of Enoch.
- \* The 20-acre parcel is zoned industrial.
- \* A recycling facility is a conditional use in the industrial zone and the staff has reviewed the numbers allowed for this project.

Reed invited Wayne LeBaron to explain more about the project:

- He ran a tire recycling business in Huntington, Utah for 4 years with this same equipment.
- The business was inside Huntington City and was very successful with no major incidents.
- He had an issue with the landowner who wanted more money so he moved to Iron County to continue the business.
- Tires are brought to the location in semi sized enclosed trailers. They will be parked and stored at the south end in a parking lot.
- Each trailer will be moved to the next location where the tires will be offloaded into a contained unit.
- The tires will be heated in the sealed, contained unit until it ruptures the molecules and breaks the tire down into hydrocarbons mostly - into a number 2 diesel.
- The tires will be heated by propane externally while rotating and will be decomposed thermally to oil, gas, carbon, and steel.
- The oil is condensed and drops into tanks. The oil goes through a distillation process.
- The lower temperature helps purify it, and then they can fractionate it.
- The steel goes into bins and is recycled to the steel industry.
- A tank will store the oils.
- The heating will be done in the day and cooled at night. In the morning, an auger will send it down into a pallet bag and stored at the north end of the property.
- He chose this spot due to the prevailing winds going north in the day and from the east at night.

Rich Wilson asked about odor, the scrubber process, and who is their main customer.

Wayne answered:

- They had no complaints of odor.

- They use a scrubber process.
- The product is used in the paving industry and that most of the project from the Huntington business was shipped to Cedar City.
- He chose to buy out the Huntington owners because his family has piles of tires and has a tire storage in Arizona. The NASA contracts did not materialize so he plans to clean up tire piles in Iron County and northern Arizona. This will lower the cost of transportation.

Reed shared the impacts discussed with the applicant, which included:

- The allowed amount of stored oil, steel, and tires at any given time.
- The numbers are limited to:
  - \* Carbon = 100 tons on site
  - \* Steel wire = 100 tons on site
  - \* Oil = 110,000 gallons on site
  - \* Tires = 25 trailers on site
- Tires stored on the ground require a special permit and this CUP does not permit tires on the ground.
- The recycling is also permitted through DEQ and they will have to get a permit, which includes air quality control.
- The applicant is agreeable to these conditions because it is not a junk or salvage yard. It is a recycling business.

**Public Hearing:**

Vice Chair Halterman opened a public hearing.

The following comments were made:

- Marilyn Wood asked if they are required to check in with the DEQ and have inspections.
- Wayne LeBaron responded that they do work with the DEQ and have inspections multiple times each year. They have never had any issues.
- Paul Greenwall, who lives north of Cedar City Exit 62, asked how many trucks will be entering and exiting.
- Wayne LeBaron responded that the State permits 10 metric tires per day, so potentially there would be 2 semis per day plus the laborers coming and going each day. The tankers can haul 12,000 gallons, so 1 truck would come and go once every week or two.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

None

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

Vice Chair Halterman asked the ICPC to reference the CUP Review and Findings (section 17.28.050).

**Motion:** Erick Cox made a motion to approve the CUP for the Tire Recycling Processing Facility.

**Second:** Seconded by Laine Sutherland.

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

**8. ZONE CHANGE APPLICATION – “A-20 to C” Thorton, Wilmarth & Lundgren. (20.20 Acres)  
Located near 3600 S and 5700 W, Cedar City, UT (APN: E-0259-0015-0000)**

**Introduction:**

Read Erickson shared the following:

- The 20-acre parcel is located off of the south Kanarraville / Hamilton Fort Exit.
- The parcel is split by 5700 West so without the road it is approximately 17 acres.
- Two parcels to the east were rezoned to commercial about a year ago and the parcels to the south were rezoned about 2 years ago.
- There is access off of Old Hwy 91, which is adjacent to other commercial properties, so it fits the criteria. The road north, 3600 South, is already built so that is another good access.
- When there is a project that falls within a Cedar City potential annexation boundary, the county considers Cedar City’s plans. Their plan is for that area along Old Hwy 91 to be zoned Regional Commercial. He is not sure how the Belt Route Master Plan will affect this, but currently it is not a hindrance.
- Some challenges exist with water. They have a private well, which can be used with minimal growth, but at some point, there will need to be a public water system. A public water system will bring additional major commercial and more commercial will help bring a public water system to the area.

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

- Cody Roberts owns property north of the parcel. He shared concerns that 3600 South and 5300 West to 5700 West is a dirt road. The road is the county's, but not maintained by the county. He has added road base, but cannot continue maintaining it. He is concerned about the access and would like it to be fixed before more traffic comes.
- Rich Wilson explained that the county does have a process for the adjacent property owners to bring roads up to county standards. He also explained that the properties in that area cost less because the road was unimproved. Although the county is sympathetic, the county cannot maintain an unimproved road in one place and not in another.
- A rezone doesn't warrant anyone to have to improve the road until it is subdivided. When the public water system comes in, it will be subdivided and improved then.
- Michelle Tullis asked what the intent was of the zone change.
- Reed explained that there would be some trailer truck storage that would be parked there.
- Mrs. Roberts shared that traffic has increased. Previous road construction detours caused potholes and they didn't get fixed. There is standing water in the potholes. They have tried to help keep it maintained, but cannot continue to do it financially. Just grading the road would help.
- Vice Chair Halterman said there was no current answer, but the situation is on the county's radar now.
- Rich Wilson stated this was good information that the county could use going forward to require the benefactor of a detour to restore that detour to its previous condition. Each situation would need to be reviewed on a case-by-case basis.
- Mrs. Roberts stated they are not expecting much but would appreciate the road being graded a couple of times especially to fix the holes.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

- No additional comments were made.

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

**Motion:** Laine Sutherland made a motion to recommend to the county commission to approve the zone change from A-20 to Commercial.

**Second:** Seconded by Mike Platt.

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

**9. ZONE CHANGE APPLICATION – “R-5 to C” MHW LC (9.64 Acres)**

**Located near 3000 N and Bulldog Road, Cedar City, UT (APN: D-0727-0000-0000)**

**Introduction:**

Reed shared the following:

- The property is located on the north side of 3000 North and east side of Bulldog Road and is currently in agriculture production.
- The parcel is within the Cedar City annexation expansion area so the county will tell them of the zone change proposal.
- The parcel is located within the airport instrument approach zone so there are some restrictions for building and noise.
- The entire parcel must be rezoned, but they will be able to use a portion for commercial and continue to farm the rest.
- Good transportation corridors exist. There is a 75-foot master planned on the south side (3000 North) and a 66-foot road on the west side (Bulldog Road).
- The parcel is 9.64 acres with no roads, but they have good access. They have a private well on the property. They would have to annex into Cedar City to get culinary water from an existing system.

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

No comments were made.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

- Erick Cox stated that his daughter works for the landowner, but he doesn't see it as a conflict, so he will vote.
- Mike Platt stated he is directly involved, but he still plans to vote.

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

**Motion:** Michelle Tullis made a motion to recommend to the county commission to approve the zone change from R-5 to Commercial.

**Second:** Seconded by Laine Sutherland.

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

**10. ZONE CHANGE APPLICATION – “R-5 to R-½” Bauer Family et al & DDJ Development (19.54 Acres)  
Located near 3570 N and 2300 W, Cedar City, UT (APN: D-0616-0617-0002)**

**Introduction:**

Reed Erickson shared the following:

- The parcel is Phase 2 of the Estates at Sunrise Ranch and is immediately south of Phase 1.
- Currently, the parcel is an agricultural hay field. They will carve off a 20-acre slice for development.
- The subdivision will be developed soon and they plan to have lots slightly smaller than 1-acre lots.
- Surrounding properties are zoned R-1/2 around 2.5 sides and R-5 on the rest.
- Water and sewer are available from 2300 West.
- This will be zoned R-½, but they plan to create approximately 1-acre lots.
- There is an existing 75-foot ROW that has already been widened along the front (2300 W). There are no roads currently, but they have access off of both sides (east and west).

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

- Cari Greenwall clarified that the zoning is R-½ acre, but the lots will be closer to 1-acre.
- Bob Platt explained that the reason for zoning it R-½ is that R-1 requires more frontage, so they chose R-½ to make the frontage less, but each lot will be almost 1-acre.
- Paul Greenwall clarified that there will be an access road to 2300 West.
- Cari clarified that there will be more public hearings before the subdivision is approved.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

- Mike Platt shared that he works with the applicant, but will still vote.

**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 zone change from R-5 to R-½.

**Second:** Seconded by Mike Platt.

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

**11. ZONE CHANGE APPLICATION – “R-5 to C” Hilton Butler (5.62 Acres)  
Located near 3280 N (Meadowlark Lane) and Old Hwy 91, Cedar City, UT (APN: D-0636-0026-0001)**

**Introduction:**

Reed Erickson shared the following:

- The applicant is trying to rezone a portion off of the front of the parcel to Commercial, plus they will submit a minor subdivision application soon so the rezoning will be on a separate parcel.
- The parcel is located between Enoch and Cedar City along the frontage road – Old Hwy 91.
- The Enoch Master Plan shows highway service on a 100-foot ROW along the Old Hwy 91 master planned road.
- The 15-acre parcel is currently zoned R-5. A minor subdivision allows 10 acres for R-5 and 5 acres for Commercial.
- Services include sewer and water through a private well, which may be used for some commercial development.

Rich asked if a CUP will be required because they have redirected drainage. He has talked to Enoch City and he does feel they do have sufficient drainage with the change.

Reed responded that it depends on what the property will have, but that can all be addressed during the subdivision process.

Rich Wilson shared he is concerned about the tight right hand turn and asked Mike Platt if he could show a pavement entrance.

Mike Platt stated he plans to abstain because he is directly involved with the project.

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

**Motion:** Michelle Tullis made a motion to recommend to the county commission to approve the zone change contingent on the approval of the minor lot subdivision.

**Second:** Seconded by Erick Cox.

**Motion passed:** (Voting: Mark Halterman, aye; Michelle Tullis, aye; Mike Platt, abstained; Laine Sutherland, aye; Erick Cox, aye)

**12. CONTESTED ALUP APPLICATION – “Contractor Shop/Office” Colton Ray (1.89 Acres) 35936 W 200 S, Parowan, UT (APN: C-1047-1048-0000)**

**Introduction:**

Reed Erickson shared the following:

- The ordinance requires a contested ALUP application come to planning commission if the complaint cannot be resolved. The ICPC will then direct the staff to either approve or deny the ALUP.
- The application is for a Contractor Shop/Office.
- The parcel is located west of Parowan on the north side of I-15 on 200 South near Rays Saddle Shop. Further down the road his son, Colton, built a barndominium where he lives and operates a drilling business out of it.
- Each situation like this is unique and the staff feels the acreage restriction needs to be removed from the code. The neighbor is concerned about increased traffic and that it is not compatible with the area, so it may affect their property value.
- The neighbor is in residential zoning, but the applicant’s parcel is zoned A-20.
- The staff was unable to resolve the concern so the ICPC needs to discuss the application and make a decision.
- Equipment is only on the property when it is not needed for a job, off-site. The equipment is not operated on this property.

**Planning Commission & Staff Discussion:**

- Laine asked about a lot line adjustment.
- Reed explained that moving a lot line would not move the project/buildings any further away from the neighbors. The staff clarified the zones of the surrounding property.
- Reed noted that the drilling operation has been there for many years and there has never been a complaint. The only reason it was brought up is because another neighbor to the east was being told to clean up their property and that owner told the county about the business.

**Planning Commission Action – (Direct Staff to Approve, Approve with modifications, Deny or Continue)**

**Motion:** Erick Cox made a motion to direct the staff to issue the ALUP for the Contractor Shop/Office contingent on changing the acreage restrictions in the ordinance.

**Second:** Seconded by Michelle Tullis.

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

**13. MINUTES...** consider approval of minutes for the February 1, 2024 meeting.

**Motion:** Mike Platt made a motion to approve the minutes from February 1, 2024.

**Second:** Seconded by Laine Sutherland.

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

**14. STAFF REPORTS...** A. Building Department                      B. County Attorney                      C. Planner & Services Coordinator  
No reports given due to time constraints.

**15. ADJOURN**

Vice Chair Halterman adjourned the meeting at 8:32 pm

Minutes Approved April 4, 2024 by the Iron County Planning Commission



Signed

4/5/2024

Date

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**May 2, 2024**  
**MINUTES**

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, May 2, 2024 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah

**Members Present**

Michael Platt  
Michelle Tullis – Chair  
Erick Cox – Vice Chair  
Mark Halterman

**Member Excused**

Roger Thomas  
Laine Sutherland  
Jared Christensen

**Staff Present**

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

**Others Present**

Paul Roelandt  
Keshia Anderson  
Dallas Buckner  
David Clarke  
Symbria Patterson

**Representing**

Vision Iron County  
Vision Iron County  
Go Civil Engineering  
Platt & Platt Engineering  
Red Acre Farm

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Michelle Tullis opened the meeting at 5:32 pm.  
Michael Platt 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 introduced Paul Roelandt and Keshia Anderson, representing Vision Iron County. Keshia is interested in the field of planning.

**3. ZONE CHANGE APPLICATION – “A-20 to LI” – (13.8 Acres)**

**Ryan Brindley - Located near 3400 S Old Hwy 91, Cedar City, UT (APN: E-0251-0001-0000)**

**Introduction:**

Reed Erickson shared the following regarding the zone change application:

- The property is located by Hamilton Fort, east of Rainbow Ranchos Subdivision, between 5100 W and Old Hwy 91.
- The parcel is adjacent to property recently zoned Light Industrial.
- This parcel is not within the Cedar City Tier II land use planning area, but it is within their annexation boundary so the county the opportunity for Cedar City to give their feedback. The county tries to be mindful of being compatible with surrounding areas.
- Regarding the Paiute Tribal Land nearby, we are not aware a written plan, but they do basically want to use it as commercial land.
- There is no sewer or water available. The CICWCD may eventually be able to extend water as subdivisions are built closer to the area. Certain Light Industrial uses can be done without a water system.
- Other utilities include power, gas, communication, etc., that are in the area.
- Once a property is changed to Light Industrial, any of the approved uses can be done on that property so the county must decide if the change is in the best interest for the area.
- A list of Evaluation Considerations is reviewed with each rezone.

**Public Hearing:**

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

**Planning Commission & Staff Discussion:**

Reed reviewed the list of Iron County Evaluation Considerations regarding zone changes with the ICPC members.

**Planning Commission Action – Recommendation 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 A-20 to LI, for the 13.8-acre

property identified in agenda item 3, be approved.

**Second:** Seconded by Mark Halterman.

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

#### **4. ZONE CHANGE APPLICATION – “R-5 to R-1/2” – (80.48 Acres)**

**Onado Investments LLC - Located near 2300 W & 3200 N to 3600 N, Cedar City, UT (APNs: D-0618-0000-0000, D-0620-0000-0000 & D-06220-0001-0000)**

##### **Introduction:**

Reed Erickson shared the following regarding the zone change application:

- The property is located in the area of 2300 West on the north side of the recently incorporated area of Cedar City.
- The total acreage of the 3 parcels is 80 acres, and the 40 acres south was annexed into Cedar City a year ago, for development. Cedar City's general plan did not include the entire 120 acres in their policy plan so they could not annex the whole thing. The 40 acres within Cedar City limits does allow for duplexes.
- The north 80 acres, if approved to R-1/2, would allow townhomes.
- Concerns about all the development in the area have been expressed, but the utilities etc. are available and the developer has CICWCD and sewer “will serve” letters as has also been provided by adjacent subdivisions.
- Justification for the zone change shows that the property around it is zoned R-1/2, and there is a cluster subdivision north of it with open space areas.

Dallas Buckner, representing the owner, added that 2300 West is one of the corridors that has water and sewer in the county so it is one of the best areas for high density.

Reed explained that when this zone change application originally came in, the property owner represented interest to rezoning to R-1/2.

Since that time, the property is in the process of being sold and there may be another application at an upcoming ICPC meeting for the bottom 16 acres to be rezoned to R4K (4,000 square foot lots and townhomes). In the meantime, the buyer wants to secure the R-1/2 for now.

##### **Public Hearing:**

Chair Tullis opened the public hearing.

No comments made

Chair Tullis closed the public hearing.

##### **Planning Commission & Staff Discussion:**

- The Evaluation Considerations were reviewed by the ICPC.
- Reed shared that the 80 acres borders the Stevensville Ditch on its east side, so the county is coordinating with Cedar City to be sure it can be maintained.

##### **Planning Commission Action – Recommendation 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 R-5 to R-1/2, for the 80.48-acre property identified in agenda item 4, be approved.

**Second:** Seconded by Erick Cox.

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

#### **5. PRELIMINARY SUBDIVISION APPLICATION – “Estates at Sunrise Ranch, Phase 2” (19.54 Acres – 18 Lots)**

**DDJ Development LLC. – Located near 3570 N 2300 W, Cedar City, UT (a portion of APN: D-0616-0617-0002)**

##### **Introduction:**

Reed Erickson shared the following regarding the preliminary subdivision application:

- Last month the ICPC recommended the zoning change for this subdivision and the County Commission did accept that recommendation and rezoned the property to R-1/2.
- Dave Clark is here from Platt and Platt to answer questions.
- The property is located directly south of Estates at Sunrise Ranch, Phase 1 (32 lots).
- Phase 2 would add 18 more 1-acre lots. The property is zoned R-1/2, which allows 1/2-acre lots or larger.
- Near the subdivision, there are good 75-foot transportation corridors--2300 W, 3000 N, and 4000 N.
- The project layout shows 3570 N would connect to 2300 W and provides access to 9 lots on each side of the road. Future development on the east side will need to then coordinate streets with this road.
- The applicant is compliant with the county subdivision ordinance.
- The applicant is asking for a variation to remove the requirement for curb/gutter, sidewalks, and fencing for the following reasons:
  - \* The lots are flat.
  - \* The water, sewer, and other utilities are available in the area.
  - \* There is no master storm drainage plan so the county is comfortable not having curb/gutter and sidewalk. They would widen the asphalt for walking, without a sidewalk.
  - \* Regarding fencing:
    - On the north side, it is not needed because it is a continuation of Phase 1.
    - On the south side, a fence is needed because it will continue to be agricultural development.
    - On the east side, is a livestock trail (2300 W) so a fence is needed.

- On the west side, no other subdivision has fencing so it is not needed.

Chair Tullis shared that they did grant no streetlights for Phase 1.

**Planning Commission & Staff Discussion:**

- Reed Erickson reminded the ICPC members that previously this would have required a public hearing, but not any longer. One person did contact him to ask if there would be a public hearing, but they are not in attendance at this meeting. He did send them additional information for them to review.
- Chair Tullis asked about the distance between each entrance and if it could be less.
- Rich Wilson explained that based on the speed limit of 40 mph, the distance requirement is a minimum of 350 feet. These two are 500-600 feet apart, which is best for a major collector road like 2300 W.
- Erick Cox stated that those moving into this development need to realize they are moving next to a major collector so the noise won't be mitigated by the county.
- Reed reviewed the Preliminary Subdivision Ordinance review criteria for a R-½ subdivision noting:
  - \* Subdivisions with 11 or more lots must come before the ICPC for approval. If less than 11 lots, the staff will review for approval.
  - \* The ICPC must consider the request for the variations being asking for.
- Erick Cox shared that when the ICPC reviewed and recommended the zoning change, the neighbors asked that the applicant keep the lots as 1-acre lot, which the applicant has done.
- Chair Tullis asked if the storm drainage needed to be a variation.
- Reed explained that it does not because the subdivision water does have to be dealt with it by the property owners. The water will still go west and north along 2500 W to 4000 N, but with larger lots, most storm water can be kept on the lots.

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

Mike Platt shared that he has reviewed this plan and is helping with this project in his business office, but he will still vote.

**Motion:** Erick Cox made a motion to approve the Preliminary Subdivision application for the 19.54-acre property identified in agenda item 5, having found the application to be in compliance with the requirements of the Iron County Land Management code, specifically Chapter 6.12 including the variations of no street lights, no fencing on 2 sides, no curb/gutter, and no sidewalks.

**Second:** Seconded by Mark Halterman.

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

**6. COUNTY CODE AMENDMENT – Ordinance 2024-3, Amending “Section 17.42.040 – Amending criteria for approving development agreements”**

**Introduction:**

Reed Erickson shared the following regarding the proposed changes in Ordinance 2024-3:

- The changes came as a result of BZI Innovation Park (formerly Commerce Crossroad Logistics Park Subdivision) submitting their application for a development agreement.
- The final plat has been submitted, but the county is waiting for the financial guarantee before it is recorded.
- The development agreement for the 800 acres has also been submitted and is still being reviewed by the staff. Part of the challenge of that agreement is that they have proposed uses that don't fit in the Iron County Code, Section 17.42.040, #4, Criteria for Entering into a Development Agreement, which specifies it will meet current ordinance requirements. For example:
  - \* When the New Harmony Ranch Development Agreement was created, the county had to adjust some of the zoning because of what they were proposing. Because it was a Tier III, the SPA zone allowed for differences. A provision existed in the ordinance to allow the development agreement to address changes so they could comply with the ordinance.
- In BZI's case, they want to include some non-allowed uses in the Light Industrial zone. Their table of uses doesn't match our ordinance so the county will need to adopt changes through the development agreement since we are not changing the zoning uses in the county table of uses.
- To remedy this:
  - \* The changes to the county ordinance would match state code (17-27a-528, subsection 23), which allows for development agreements to approve uses and proposals that are not allowed in the code when the development agreement is approved through the review and recommendation process of a new land use ordinance.
  - \* The procedure to adopt a development agreement is the same procedure the county would use to adopt a new land use ordinance and would therefore allow for those uses.
  - \* Those uses could then be permitted through a development agreement, which requires the appropriate notice to adjacent property owners, a public hearing, etc.
  - \* Adding these changes into our county ordinance allows development agreements to be tweaked as needed.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Reed Erickson reminded the ICPC members that this change is for the ICPC to review and recommend to the County Commission. The County Commission will review it at their May 13<sup>th</sup> meeting.

Erick Cox shared that his concern is that people were told previously there would be Light Industrial in the front and Industrial in the back of the development. The zoning changes and CUP identified what those uses would be. He is worried about perception and would like to know what BZI is proposing.

Reed shared:

- If there are any proposed changes to what has been previously approved, the adjacent property owners would get notice.
- BZI is looking at rezoning to R-½ and R4K in the northwest part of the property, so they can use our current zoning structure.
- BZI, after looking at the county's new table of uses, didn't feel their request for residential was appropriate in Light Industrial or Industrial so they came back with this proposal to rezone a portion of the area for residential.
- The development agreement would include their own table of uses. They wanted more clarification than our table of uses and each one will be reviewed once we get the development agreement and the ICPC will determine if it will be allowed.

Chair Tullis asked for clarification regarding rezoning a portion of the property to R4K and R-½ and if it would be addressed in the development agreement.

Reed explained that BZI would identify in the agreement their intent for residential to rezone the property, but they will still be bound to the county's established zoning ordinances. The only use differences will be in the Light Industrial and Industrial zones, not residential.

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

**Motion:** Mike Platt made a motion to recommend to the Iron county Commission that Ordinance 2024-3 amending the Iron County Code Section identified in agenda item 6, be approved.

**Second:** Seconded by Erick Cox.

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

**7. MINUTES...** consider approval of minutes for the April 4, 2024 meetings.

**Motion:** Mark Halterman made a motion to approve the minutes of April 4, 2024 as the official record of that same planning commission meeting.

**Second:** Seconded by Mike Platt.

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

**8. STAFF REPORTS...**

A. Building Department - none

B. County Attorney - none

C. County Planner

- Reed Erickson shared that when notices for this meeting are mailed, he also advertises for the County Commission meeting in the same notice, so action is occurring more quickly than before. The County Commission has approved all of the ICPC's recent recommendations.

D. Other:

- Rich Wilson, Iron County Engineer, reported on the Stevensville Ditch flood improvements:
  - \* Bowen-Collins recommended that our current ordinance on Stevensville Ditch, which requires a setback of 100 feet from the bank to the nearest habitable building, be changed to 125 feet from the centerline.
  - \* In the near future, he will present and recommend to the ICPC to change the setback to 125 feet on both sides.
  - \* The ditch north of 2200 N won't qualify for NRCS funding because the benefit is not above a 1 (cost benefit vs. the cost of improvements) and must be at least a 1.1. Everything north of 2200 N will be the responsibility of the county to improve. NRCS will fund the area between the interstate and 2200 N.
  - \* Cedar City recently became a co-sponsor to the project. They have 2 pits available for floodwaters, so that is a benefit.
- Reed explained that from the canyon to the Woodbury Split the improvements were already made. This project will take it from the Woodbury Split, across the interstate to 2200 N.
- Erick Cox asked about the area below 3000 N. owned by the irrigation company.
- Rich explained that it would qualify as a "one-off" as a special agricultural project so NRCS will look further into that as an agricultural use project.

**9. ADJOURN**

Chair Tullis adjourned the meeting at 6:36 pm.

Minutes Approved June 6, 2024 by the Iron County Planning Commission



6/7/2024

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**June 6, 2024**  
**MINUTES**

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, June 6, 2024 at 5:30 pm, Cedar City Festival Hall, Room #1 – located at 105 North 100 East, Cedar City, Utah

**Members Present**

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

**Staff Present**

|                 |                               |
|-----------------|-------------------------------|
| Reed Erickson   | Iron County Planner           |
| Terry Palmer    | Iron County Building Official |
| Chelsea Boxwell | Iron County Building Dept.    |
| Sam Woodall     | Iron County Deputy Attorney   |
| Rich Wilson     | Iron County Engineer          |
| Merilee Wilson  | Iron County Engineering Dept. |

**Others Present**

Glenn Robinson  
Marilyn Wood  
Wendy W Young  
Dianna Wheeler  
David Farley  
Kim Imlay  
Monty Sorensen  
Logan Cruz  
Jeff Faucett  
Russell Reber  
Steven Taylor  
Deven Imlay  
Symbria Patterson  
Sean Colmureau  
Dallas Buckner  
Paul Cozzens

**Representing**

Leon Robinson Farm, Inc.  
Iron County Commission  
BPW, LLC  
BP Wood, LLC  
Lions Crest, LLC  
Self & Dry Lakes Farm  
LX Livestock  
Self  
Self  
Self  
rPlus Energies  
Ione Venture Farms  
Red Acre Center  
Self  
Go Civil Engineering  
Iron County Commission

\*Others were present and spoke that did not sign the register.

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Michelle Tullis opened the meeting at 5:32 pm.  
Roger Thomas 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.

**Meeting Overview:**

Reed Erickson, Iron County Planner, explained:

- \* Items 3, 4 & 5 on the agenda are Conditional Use Permits (CUP).
- \* He will do a brief presentation of what the project is and the county's response to that.
- \* CUP's are uses that are allowed by ordinance with a CUP in place. These are not permitted uses.
- \* The county has 3 types of uses that allow something in a zoning district:
  1. A permitted use that you can do without any special consideration or special review.

2. Administrative Land Uses which require minimal review. Adjacent property owners are notified and they have 10 days to respond. The county works with the applicant to find solutions to those concerns.
  3. Conditional Use, which is also an allowed use in the zone, requires notification and a public hearing.
- \* The approval process for the 3 types are as follows:
    1. There is no additional process for Permitted Uses.
    2. The planning commission makes decisions on Conditional Uses.
    3. The staff makes decisions on Administrative Land Uses.
  - \* In the Table of Uses, if there is an X in a column, it means that the use is prohibited.
  - \* The applications were submitted a month or more ago.
  - \* A draft for the CUP is created and reviewed by the staff and the applicant.
  - \* The use is an allowed use, so the county reviews it to resolve any concerns.
  - \* The ordinance allows the use so this process is not to decide if it should be allowed or not.
  - \* The public hearing process is to hear the neighbors' concerns so the ICPC can help mitigate potential impacts.

**3. CONDITIONAL USE PERMIT APPLICATION – “Solar Power Plant” – (2224 Acres) Appaloosa Solar II, rPlus Energies - Located near 9540 N Lund Hwy, Cedar City (APNs: E-0065-0003-0000, E-0067- 0001-0000, E-0066-0002-0000, E-0065-0004-0000, E-0065-0004-0000, D-0433-0004-0000, E-0064-0014-0000 & E-0064- 0013-0000, and BLM in Sections 26 & 35, T34S, R12W with no APN).**

**Introduction:**

Reed Erickson shared the following regarding the Solar Power Plant:

- The property is located out on Lund Hwy near the current Appaloosa Solar I power plant.
- This is all private property except for on the lower portion where it borders BLM. This is where the lines will cross to get to the Three Peaks Substation, which has been previously permitted with BLM.
- The property is all zoned Agriculture 20 (A-20). Solar Power Plants are an allowed use with a CUP in this zone.
- The closest residential area is R-1 in Cedar Valley Acres and RA-20, which wraps around the substation, south of the project property.
- When Appaloosa Solar I was permitted, they didn't use all of the permitted area, so it is now being included in the Appaloosa II permit.
- The Battery Energy Storage System captures energy and stores it into batteries with 4-hour storage capacity.
- This is a 200 MW power plant so it would have an 800 MW hours storage capacity.
- The battery units are individual containers that are compartmentalized with their own fire suppression.
- The staff, fire department and planning commission have had many discussions regarding safety in previous meetings.
- The ICPC members were emailed the full details of the project last week.
- The project does meet all of the CUP conditions and the application addresses all the staffs concerns.
- The plant is to be a 200 MW with a BESS on 2,224 acres.
- There are two property owners: LX Sun, LLC and Horse Hollow, LLC
- Reed introduced Antonio Resta and Steven Taylor from rPlus Energies who are the developers. Also, Russ Reber and Monty Sorenson representing property owners.
- The potential impacts during construction versus the impacts after occupancy are different. For example, when Three-Peaks and Appaloosa I were developed, they were required to include road improvements. The agreement states they will continue the road through to the north side of the project, which is on target and must be complete by January 1, 2025. The county appreciates the partnership created for these road improvements.
- Noise has been a concern on other projects, but this one is further away from residential development.
- Drainage has been a concern and has been reviewed and addressed in the permit and design process.
- Recommended mitigations have been address regarding fencing, signage, setbacks, road improvements/repairs in the CUP conditions.

Steven Taylor thanked the chair, commission, and staff for reviewing the request.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Roger Thomas asked and Reed agreed that downward lighting could be added to the CUP.
- Chair Tullis read the CUP Review and Findings (Section 17.28.050), Item A.
- Reed clarified the critical lands are defined in Section 17.36.020 as wetlands and steep slopes. There are no critical lands within this project. They have obtained Prairie Dog clearance.
- Mark Halterman read Section 17.28.050, Item B.
- Reed noted that 34 total conditions were reviewed by the staff and the applicants.

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

**Motion:** Jared Christensen made a motion to approve this CUP, with the modification to add downward lighting language.

**Second:** Seconded by Roger Thomas.

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

**4. CONDITIONAL USE PERMIT APPLICATION – “Resort Lodge; Recreation, Commercial” – (645.99 Acres) Lion Crest LLC - Located near the West end of 825 N (1475 W) and approximately 975 N, Brian Head (APNs: C-1126- 0001-0003 & C-1169-0001-0000)**

**Introduction:**

Reed Erickson shared the following regarding the Resort Lodge—Recreation, Commercial CUP:

- Dave Farley is in attendance representing the applicant, Lions Crest, LLC.
- The property is located west of Brian Head town and other residential developments in the county.
- A resort lodge and recreation, commercial requires a CUP within that zone.
- The total acreage is approximately 645 acres.
- The south edge of the property borders Forest Service land.
- To the east is R-1/2 residential subdivisions that were allowed in the 1960's, 70's, 80's. Now, the county would not approve that small size of lots.
- To the east of the R-1/2 is a Brian Head, Tier II area where higher density is allowed noting that Tier IV does not go any smaller than 20 acres.
- Two access points have been requested. One off of 825 N and one through Robinson's property. Easements currently exist for both. These entrances will be addressed more closely, in a few minutes, under CUP condition #21.
- A summary of the proposed activities include summer access for motorbikes, ATV's and possibly horseback adventures. Winter activities would include snowmobiling, skiing, snowboarding, sledding, tubing and a terrain park.
- The CUP, conditional #4, will discuss temporary facilities required without having to have the entire infrastructure in place.
- They are going to build up the business to include a maximum of 300 users a day in the summer - Less in the winter because there is not access in the winter months. They have identified two off-site locations where they would pick people up and drive them in to resort in both summer and winter.
- The plan is to build a lodge to compliment the surrounding area.
- One concern raised by the Tophams is that Lions Crest is a rehab facility so they are concerned about that. They do not want recreation therapy to be included in this project. Reed explained to them that it is open to the public, not for a therapy facility. Rehab facilities could bring people, but this would not be a treatment center. It is to be accessible by the public.
- Other potential impact concerns include traffic, off-site gathering/parking, noise, livestock and wildlife disturbance, trash, vandalism, and fence damage
- The recommended mitigation for the concerns include:
  - \* The primary accesses from Dry Lakes Road along 825 N or through Robinson property must be improved to WUI standard.
  - \* Temporary facilities would allow them 12 months to have port-a-potties, to haul water, and have temporary power, but by July 1, 2025, they would have to submit a detailed plan that would identify how they will provide these facilities permanently. This includes building plan details up to 30 nightly rentals and the plans must be approved by the county.
  - \* Proper fencing and signage is required along the perimeter along property lines.
  - \* Off-site property/use agreements are required.
  - \* Operating hours and adherence to county codes such as no activity between 10:00 pm and 7:00 am.
  - \* Commercial garbage service would be required.
  - \* The CUP contains 41 conditions.

Dave Farley stated that Reed's review was very good and they are in the process of trying to get all the details worked out, specifically transportation.

**Public Hearing:**

Chair Tullis opened the public hearing.

- Tim Robinson shared the following:
  - \* They sold property to the applicant, which includes Jerry's Pond, First Flat, Second Flat, Eldon's Rock, Bernice's Meadow, and ground creek. The Robinsons have enjoyed the area and hope the visitors will too.
  - \* His concerns include hearing ATV's, side-by-sides, etc. when trying to have a peaceful experience in the mountains.
  - \* He recommends effective fencing around the lodge and parking to help lessen trespassing risks to neighbors.
  - \* He recommends detailed plans be submitted and reviewed for the trail types, allowed vehicles, and timeline of use. Also, to have the trails be clearly identified for users.
  - \* He prefers hiking over motor vehicles.

- \* The road ROW is only 24 feet, which is a safety concern.
- \* He has enjoyed working with applicants as they share their plans. He recommends the ICPC approve the CUP.
- Deven Imlay shared his concerns:
  - \* The bigger 4x4's are loud and go too fast past the livestock on the main road.
  - \* He recently spent the weekend building a fence picking up trash along it. He is worried that will get worse with more people.
  - \* The area is not quiet now and will get louder with more visitors and traffic.
  - \* The animals will be pushed out.
  - \* Fire safety is a concern.
  - \* Trucks accessing the area over Alpine Road is too steep and unsafe.
  - \* Others, further away from the property, didn't get a notification letter for this CUP and they probably should have.
- Logan Cruz, applicant, stated that there are no trails anywhere except at Dry Lakes. They hope to add trails to reduce public road use.
- Mike Stratton shared the following concerns:
  - \* When there are a lot of side-by-sides, the road turns to powder.
  - \* Speed is a concern because the signs stating "slow" are not obeyed.
  - \* He would like to know how they plan to transport people from Brian Head to the lodge because some portions of the road are only 10' wide. The road will need to be improved. Garbage trucks will not make it down the road.
  - \* Camping area near a forest makes it unsafe.
  - \* He wants a quiet community.
- Sean Colmureau stated:
  - \* 300 people a day is a lot of risk in a desolate area.
  - \* Emergency personnel cannot get there.
  - \* The noise will be next level.
  - \* Trash is a big concern.
  - \* Pulling a trailer on the road is scary currently and it will get worse.
  - \* He is concerned about ground water and wants environmental studies to be done.
- Kim Imlay, representing himself and other land owners, shared concerns:
  - \* Jason Halterman, a 5-generation landowner, has concerns that recreational use will increase harassment of livestock and wildlife. He has had sheep used for target practice. Wildlife is chased away from roads and some people have chased his sheep out in the meadows.
  - \* Public trespassing and property damage will occur even when it is a clearly marked area. Garbage is left behind, the ground is torn up, and fencing is torn down.
  - \* Their Ancestors have entrusted them to take care of the land. Visitors are only there for their temporary enjoyment.
  - \* He asked the applicant to consider making provisions to create opportunities away from fence lines and move the lodge closer to the south near public lands.
  - \* They like their way of life and don't want it to become a Park City or Sundance. They want Brian Head to be a special place to live.
  - \* The main entrance should be off of Dry Lakes Road and not from Aspen Road, which means that the construction will have to be brought down Dry Lakes Road, which is not safe.
  - \* They would prefer existing Brian Head trails be used instead of creating new ones.
- Jeff Faucett stated:
  - \* He doesn't want to tell people how to use their property, but the more he hears about the number of people per day, he is concerned.
  - \* The road is not wide enough and the many people will make it more unsafe.
  - \* Having a lodge and recreation area will create a fire hazard.
  - \* If this project doesn't work, he does not want it turned into another troubled youth facility.
- Glen Robinson owns property to the west. To clarify, there will be a perimeter fence. ROW across applicant property to his is in place.
- Logan Cruz stated:
  - \* This is a big change for the area and having 300 people is not in the near future. They will be working on different aspects and it will take a long time.
  - \* They want to make sure that those around them are not impacted more than they need to be.
  - \* Brian Head exists for outdoor recreation and they want to incorporate that into their 645 acres.
  - \* They have looked at other options for the location of the lodge, but this is only place they could do it.
  - \* They do not plan to turn this into a rehab facility.

- Reed noted that the application would have to apply for any changes to this project and CUP so it could not automatically become a treatment/rehabilitation facility.
- Laine Sutherland clarified that they could bring youth up, from a rehab facility, for day use with appropriate supervision.

Chair Tullis closed the public comments.

#### **Planning Commission & Staff Discussion:**

- Laine Sutherland stated:
  - \* The CUP, condition #4, does not address use of Dry Lakes because it is a public road. Dry Lakes is already on county maintenance system.
  - \* Aspen Road would not be drivable if it is rainy or muddy in a full service truck.
  - \* They have the right to use their property, but the current roads are not adequate.
  - \* When commercial and residential are near each other, the road changes the dynamic and what is necessary for safe travel.
- Reed explained:
  - \* The applicant would have to propose roads in the plans that are due on July 1, 2025.
  - \* Dry Lakes is a county road so all public is allowed to use it.
  - \* As more development comes, the county must determine the improvement required and who will provide those improvements.
- Mike Platt stated that the CUP is not valid until all plans are submitted and approved. He feels that means the road would have to be improved.
- Reed clarified the county requires WUI standards on the road. If the ICPC determines there needs to be more improvements, then the wording in the cup needs to be improved.
- Laine asked if the landowners could document where the road is not up to WUI standard.
- Roger Thomas asked and stated the following:
  - \* What is required by others in other areas in the county regarding roads and WUI standards?
  - \* What happens if the July 1, 2025 deadline is missed?
  - \* CUP, condition #9, states no ATV use without qualified adult supervision.
  - \* CUP, condition #13, states the hours of operation eludes to the hours, but is worried about generators at night.
  - \* He would like the ICPC to discuss open fires vs. fire pits.
- Terry Palmer noted that Dry Lakes Road is currently maintained by the county as is; they would have to comply with noise even if they have generators, and the fire warden already requires clear space around fire pits.
- Reed explained that the applicant won't get to continue to operate the business after July 1, 2025, until they submit a plan. The business would be temporarily suspended. If they say they won't be able to submit a plan, the ICPC would meet again and consider revoking the CUP.
- Logan Cruz stated that they are planning on day use only for now.
- Jared Christensen stated that fires are allowed in rings unless fire restrictions are activated for everyone in the area.

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

- Chair Tullis reviewed the CUP Review and Findings (Section 17.28.050)
- Mark Halterman shared that he will recuse himself as he is related to the Robinsons.

**Motion:** Roger Thomas made a motion to approve the CUP based on the findings discussed.

**Second:** Seconded by Jared Christensen.

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

Reed noted that the list that Mr. Robinson passed out had a comment that suggested the developer have an ongoing relationship with surrounding property owners and the county, and to have annual meetings on the progress. Since this has been successful on other projects, Reed encouraged the applicant to consider this, as it will go a long way in working things out.

### **5. CONDITIONAL USE PERMIT APPLICATION – “Outside Storage of Flammable or Hazardous Materials” – (5.0 Acres) Utah Propane – Located near the intersection of Iron Springs Rd and N Comstock Rd (3425 N Iron Springs Rd) Cedar City, (A Portion of APN: SA-E-4240-0000-0000).**

#### **Introduction:**

Reed Erickson shared the following regarding the CUP for Outside Storage of Flammable or Hazardous Materials:

- Utah Propane is proposing a distribution center out on Iron springs Road, northwest of the landfill.
- The applicant is currently working on a lot line adjustment for the property.
- The road was realigned a few years ago, so one portion of the road will be vacated.
- The tanks would sit on a platform.
- They would have 18 months to use temporary facilities, then after that, they are required to have more permanent facilities.
- The materials are hazardous and flammable so it is high risk, which required them to be permitted through the state and monitored by the state. Proper signage and fencing helps to mitigate the risk.
- Dallas Buckner is in attendance representing the applicant.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Mark Halterman reviewed the CUP Review & Findings (Section 17.28.050).

- Reed stated that the applicant has reviewed the CUP and is in agreement.
- Roger Thomas noted that CUP, condition #13, regarding fire protection of flammable material may need language added to require training of the local fire department.
- Reed shared that the fire department was talked to and they are well acquainted with this and didn't feel they needed any further training.
- Erick Cox shared that the fire department just received two propane kits to use for train cars all the way down to a bar-b-que.
- Erick asked and Reed clarified that the business traffic will be protected with setbacks, plus it is on the lower portion of the property.

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

**Motion:** Mark Halterman made a motion to grant the CUP permit for the five acre property identified in agenda item #5, 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; Michael Platt, aye; Roger Thomas, aye; Laine Sutherland, aye; Jared Christensen, aye)

**6. ZONE CHANGE APPLICATION – “A-20 to LI” – (18.85 Acres) Nathan Harker - Located near 500 E SR 56, Beryl (APN: E-1406-0002-0001)**

Introduction:

Reed Erickson shared the following regarding the Zone Change Application:

- Dallas Buckner is in attendance representing the applicant, Nathan Harker.
- Currently there is commercial business along SR 56 in this area.
- No comments were submitted by adjacent property owners.
- R-2 and Commercial zones are also adjacent to the property.
- Nothing exists on the property currently.
- The property is in a Tier IV area as an existing parcel.
- The applicants wants to build two buildings to do light manufacturing.
- There is currently one well, and they may have to drill another well.
- Septic will be required.
- The property has good access with an entrance already there off SR 56. They will be applying for an encroachment permit for the entrance.
- Erick Cox asked if this was in an acceptable fire category.
- Terry Palmer explained that they have met with the county and the fire department and will be required to do onsite fire suppression.

**Public Hearing:**

Chair Tullis opened the public hearing.

- Wendy Wood Young stated that she owns the property across the street and would like more info about what they will be doing.
- Ken Robinson shared that 20 years ago they had a huge flood on the property and there was a fissure that opened up through there. The water went straight down on that property.
- Terry Palmer stated that the floodwater was to the west of this parcel.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed stated:
  - \* There are a number of things that can occur in a light industrial zone. Any of those listed could occur. We don't know yet what they will do.
  - \* We do know that the work has to occur within a building, not outdoors.
  - \* Any waste that would need to be removed is permitted through DEQ and the fire departments will address fire risks. When they apply for a building permit, those issues are addressed.
  - \* No minimum property size is required for a Light Industrial Zone.
- The ICPC members reviewed the Evaluation Considerations for Re-Zoning Property.
- Jared Christensen asked what the sewer requirements were for this lot in comparison to Newcastle's requirements.
- Reed explained that this is outside of the protection area for the Newcastle sewer area. The rest of the county typically requires a minimum of 5 acres for a septic system even though the lot size is 20 acres.

**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 this zone change from A-20 to LI.

**Second:** Seconded by Mark Halterman

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

Reed shared that this zone change application is on the agenda for the County Commission meeting to be held Monday, June 10<sup>th</sup>.

## 7. COUNTY CODE AMENDMENT – Ordinance 2024-4, Adding “Chapter 16.40 and Section 17.36.135 – Water conservation regulations”

### Introduction:

Reed Erickson shared the following regarding the proposed County Code Amendment:

- This change came as a request from the CICWCD to consider providing eligibility for property owners in the unincorporated area of the county to participate in the turf buyback program as part of the Water Conservation Incentive Program.
- This requires Modifying 3 sections of the code:
  - \* Section 17.36.135 -- Adding Standards for Water-Wise Landscaping
  - \* Section 17.84.010 – Active Recreation Areas
  - \* Chapter 16.40 – Landscaping Standards
- Section 16.35.010 outlines the purpose and intent as:
  - \* “The following water efficient landscape standards shall apply to all new residential developments and residential construction.” This includes residential development and other developments, including industrial and commercial projects.
- Section 2 of 17.84-010 Defines the Active Recreation Area. The following would be added:
  - \* “Active Recreation Area” means a dedicated active play area where irrigated grass is used as the playing surface, such as a sports field designed for public use. Active recreation areas shall be:
    - (i) A minimum of 1,500 square feet of grass area;
    - (ii) Not less than 30 feet in any dimension
    - (iii) Not less than 10 feet from areas dedicated to vehicular use such as a street or parking lot;
    - (iv) Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park or religious institution; and
    - (v) Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground equipment and/or other recreational amenities.
- This is not a requirement for any existing development to change. This is for new subdivisions and new development.
- Chair Tullis asked how this applies if they have their own CC&R’s.
- Reed explained they have to at least be in accordance with county regulations. The county has never dealt with this (landscaping requirements) previously.
- Roger Thomas noted that this is a benefit for people to get an incentive and asked if the county would benefit from this too.
- Paul Monroe stated that the water district, once you are connected, does offer zero scape parameters to allow residents to obtain fewer water rights as well, if the lot is small enough, or landscape restrictions are incorporated.
- Jared Christensen asked if approval of this will force residents to follow this new regulation.
- Reed explained this is only for new development in the front and side yard, not the back yard. Side yard means to the depth of the home.
- Terry Palmer stated that the further out in the county, that depth changes slightly.
- Reed shared that a front yard is a 30-foot setback in an R-1 zone, which is not the whole area in front. This is explained in the definition in the county ordinance 17.84.

### Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

### Planning Commission & Staff Discussion:

- Roger Thomas noted that the language interchanges the words “lawn” and “turf”.
- Erick Cox shared that the state of Utah uses turf/sod in their language.
- Rich Wilson recommended adding a disclaimer at the beginning to clarify the terms.
- Reed agreed to change the wording for clarity.

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

**Motion:** Roger made a motion to recommend to the county commission to approve with the modifications of language and definitions as it applies to Ordinance 2024-4.

**Second:** Seconded by Mark Halterman.

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

## 8. COUNTY CODE AMENDMENT – Ordinance 2024-5, Adding “Section 17.30.090 – Designated Livestock Trails”

### Introduction:

Reed Erickson shared the following regarding the addition to the county ordinance regarding Designated Livestock Trails:

- The county’s general plan references livestock trail map and trails, but our code has not addressed that.
- Sam Woodall has identified the map and language for addition to county code.
- The map will be on the county website and interactive. Kendal Allen, the county’s GIS mapper, has worked on it with a committee of county staff and residents.

Sam Woodall explained:

- The changes you see in the preamble reference the general plan.
- Commissioner Wood was approached to get protections and preserve the livestock trails in the county. The map and ordinance changes are meant to do this.
- Bruce Anderson pulled the group together to get the map created. There are many trails in Beryl that are not identifiable on the map so the language allows for them to be covered as well.

Reed and Sam asked for the ICPC member’s input, which included:

- Roger Thomas asked what this livestock trail designation does to the landowner and if they have to grant easements.
- Sam explained that they are recognized similar to RS-2477 roads - does not take away ownership, just allows easements and access.
- Roger asked if this change is setting the county up for issues like a fence being on a property boundary.
- Sam explained that it is not specific to fencing, but more of a general direction or area.
- Chelsea Boxwell suggested adding a disclaimer what a “fence-out” means.
- Reed shared that Utah is a “fence-out” state and the county’s ordinance states that residents have to fence out. This means livestock owners do not have to fence animals in. This is addressed in the county’s subdivision.
- Chelsea Boxwell expressed her thoughts that the county should not limit the livestock owners if they go down a road that is not designated.
- Marilyn Wood explained that Sam used broad language to allow for this. Ranchers often avoid areas where people will complain.
- Jared Christensen asked what process is used to verify an historic route.
- Sam stated that he likes the broadness of the wording because it benefits the ranchers and gives them leeway to go in non-designated areas, when previously used.
- Mark Halterman stated he doesn’t want to tie the livestock owners’ hands.
- Marilyn shared that at the I-15 south exit, when it is widened, UDOT will have to leave drainage and a livestock trail that is marked on our map.
- Chelsea Boxwell stated that regarding open range, if livestock is hit on a road or trail, the person must pay for the cattle, if the driver is known. The railroad must do that as well.

### Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

### Planning Commission & Staff Discussion:

- Ken Robinson shared that the local Heritage Festival was created to maintain Main Street as a trail.
- Erick Cox stated:
  - \* This new map has 3 to 5 times as many trails as the old map in the General Plan.
  - \* State code says the livestock owner has to prove they have used the trail consistently or 20 years. If they miss a year, the trail loses its status.
  - \* It is not ok if the livestock owners just do whatever they want, when they want.
  - \* If land is sold for a subdivision, the trail should be taken off the map.
  - \* The county needs to protect the transportation plan, as well. Nothing is marked on the map on 5700 West, and he’s not sure why.
  - \* For a prescriptive easement to remain in place, it has to be used at least once a year. Matt Rhodes, from UDOT, feels the same as he does.
  - \* He asked if the livestock owners really need to have all of these trails, if they can prove they use them, and do they take priority over trucking routes.
  - \* He asked if all of the marked trails work for moving livestock. Such as on SR-56, the painted lines are a deterrent for livestock.
  - \* UDOT will close a road to help livestock if needed. UDOT and the Sheriff’s office need to be notified so they can help protect the livestock and move it through in a timely manner.
  - \* The language of the ordinance may be setting the county up to allow the livestock owners to do whatever they want. He feels some of the livestock owners are arrogant about it.
- Marilyn Wood stated that not all roads are marked on the map. They may not always be used.

- Roger Thomas stated that Erick mentioned motor safety and having to run cattle once a year to maintain the prescriptive easement per state code. He asked if the county needs to comply with state code.
- Reed shared that he is not sure the county has to comply if the trail is a designated trail on the county map. Prescriptive roads have to show use, but designated roads on the map are not the same. The idea here is to put the trails on the map so they are designated, so they don't have to use them yearly as required by prescriptive easement laws.
- Roger Thomas stated he is hesitant to make a decision. He does support the livestock owners, but if someone is able to say someone ran the trail 3 years ago and a new owner hasn't seen them cross their property, should it be designated.
- Marilyn stated that most trails are on roads and don't go across personal property.
- Richard Wilson stated that as the county tries to keep historical trails, there are safety concerns to consider.
- Marilyn stated that the livestock owners wouldn't use SR-56 unless they absolutely have to.
- Erick noted that extenuating circumstances could be coordinated.
- Richard suggested that the ordinance state that if "no other route is available" then they could cross SR-56.
- Sam suggested coordination could be similar to agricultural burning with some notification if inside municipal boundary to notify law enforcement and move in a timely manner.
- Richard asked if the classification of roads should be considered.
- Marilyn stated she likes the idea to notify law enforcement. If the ICPC would feel better for major roads, that would be acceptable.
- Mark Halterman noted that it does protect both sides. In the end, everyone needs to use common sense.
- Roger asked if the county has a trail on the map and a developer comes in and want to develop, could that be a mitigation item.
- Reed stated that it is currently in the ordinance to get a letter from livestock owner, the irrigation company, etc. for new subdivisions.
- Sam suggested making some modifications so it could be moved forward, specifically referencing speed limit or type of road.
- Mike Platt suggested continuing the discussing until next month.

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

**Motion:** Mike Platt made a motion to continue the discussion to the next meeting.

**Second:** Seconded by Laine Sutherland.

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

**Continued Discussion:**

- Sam asked for clarification to whether to amend for certain roads or speed limit.
- Paul Cozzens suggested he discuss this with Cedar City.
- Michelle Tullis offered to reach out to Cedar City.
- Erick Cox asked that the decision be tied into the master transportation plan.
- Sam Woodall recommended keeping the ordinance simple because the point is to preserve the trails.
- Reed asked if the ordinance language needs to be changed or if the map should be changed.
- Mike Platt feels the maps don't really make a difference because there is always a disclaimer that says use at your own risk.
- Laine Sutherland shared that using Main Street only started when they wanted to do a parade. That is not the route used as he grew-up. They used to go down 300 South.
- Sam explained the livestock group was involved in the parade so it could be held open as public by use. Also, the language is not as open ended as they may think.
- Laine expressed that they need to work out getting around and through subdivisions.
- Marilyn Wood stated that the livestock industry is going away and we need to preserve it.
- Roger Thomas doesn't feel the map should be changed, but as a developer, he wants to think more about it.

**9. SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS – Floodway Setbacks (Coal Creek and Parowan Creek)**

Introduction:

Rich Wilson shared the following information and noted it is informational in nature:

- Parowan Creek:
  - \* The Parowan Creek is becoming a regular topic of study for him and the county.
  - \* Bowen Collins has done the study and we have preliminary information to consider.
  - \* Parowan Watershed has almost as much water as Coal Creek.
  - \* The county does not have a setback requirement in the building code.
  - \* Parowan City's border is very close to the canal. Currently, there are fences and driveways that are too close to the canal.
  - \* When the creek releases, the channel will not have enough capacity. That capacity will not be provided until the area is developed.
  - \* The county previously created a chart to show setback for many of the creeks in the county. They were determined by the needed capacity for each creek. Parowan Creek's percentage previously recorded was 55%.

- \* He is concerned about protecting the residents of Parowan and how to build a 75-foot channel.
- \* Bowen Collins, the design engineer, recommends the top of the bank be 75 feet wide to handle a 100-year storm.
- \* Along the canal where Parowan's border is next to the channel, from 2525 W to 1800 W, the setback needs to be 176.5 feet. That is 3 feet on the side of the channel to the Parowan border, then the channel is 75 feet wide, plus 100 feet to the home.
- \* Along the area that the county controls both sides where there is no building or obstacle, it is still 112 feet because the channel is 75 feet.
- \* The ICPC needs to consider what should be done about the fences, as well as establish the setbacks to protect Parowan City residents, if and when the canal is improved.

Staff and ICPC member discussion included past improvements, past water flow, and changes made to the flow path. Reed stated this is for information and it will be discussed further at a future ICPC meeting.

#### 10. MINUTES... consider approval of minutes for the May 2, 2024 meetings.

**Motion:** Erick Cox made a motion to approve the May 2, 2024 meeting minutes.

**Second:** Seconded by Jared Christensen.

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

#### 11. STAFF REPORTS...

A. Building Department - none

B. County Attorney - none

C. County Planner:

- Reed Erickson stated:
  - \* Next month's ICPC meeting will be held Tuesday, July 2, 2024 due to the holiday.
  - \* The public hearing for the Livestock Trails Ordinance has been advertised for the next County Commission Meeting on June 13, 2024. This public hearing will still be held, but no action will be taken. Continued discussion will be occur at the July 2<sup>nd</sup> ICPC meeting.

#### 12. ADJOURN

Chair Tullis adjourned the meeting at 8:35 pm.

Minutes Approved July 2, 2024 by the Iron County Planning Commission



7/5/2024

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**July 2, 2024**  
**MINUTES**

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, July 2, 2024 at 5:30 pm, Cedar City Festival all, Room #1 – located at 105 North 100 East, Cedar City, Utah

**Members Present**

Michelle Tullis – Chair  
Erick Cox – Vice Chair  
Laine Sutherland  
Jared Christensen

**Excused**

Michael Platt  
Roger Thomas  
Mark Halterman

**Staff Present**

|                 |                               |
|-----------------|-------------------------------|
| Reed Erickson   | Iron County Planner           |
| Terry Palmer    | Iron County Building Official |
| Nate Dennett    | Iron County Building Dept.    |
| Chelsea Boxwell | Iron County Building Dept.    |
| Sam Woodall     | Iron County Deputy Attorney   |
| Rich Wilson     | Iron County Engineer          |
| Merilee Wilson  | Iron County Engineering Dept. |

**Others Present**

Ryan Frisby  
Chrisie Frisby  
Josh Hayden  
Paul Patnode  
Diana Stiller  
Shalon Shaver  
Ken Carpenter  
Scott Stubbs

**Representing**

Frisby Farms  
Frisby Farms  
Frisby Farms  
Frisby Farms  
New Harmony  
Iron County Jail  
Iron County Sheriff's Office  
Iron County FB Utah, PLL / Self

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Michelle Tullis opened the meeting at 5:35 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.

**Meeting Overview:**

Reed Erickson, Iron County Planner, explained:

- \* Items 3, 4, & 5 on the agenda are Conditional Use Permits (CUP).
- \* CUP's are an allowed use in the zoning district in which it is located.
- \* This meeting is not to determine if it is an allowed use.
- \* The staff has already reviewed them to determine if they are appropriate for their zone.
- \* This meeting is to determine potential impacts and to mitigate them in a way that is positive for the applicant and adjacent property owners.
- \* He will do a brief presentation of what the project is and the county's response to that.
- \* The applicant will have the opportunity to add any information they feel is important for the planning commission to consider.
- \* Each of the 3 CUP's will have their own public hearings.
- \* After each public hearing, the ICPC members will discuss the item and vote.
- \* These decisions will be final and are not required to go before the county commission.

**3. CONDITIONAL USE PERMIT APPLICATION – “Correctional Institution” – (33.50 Acres)  
Iron County Sheriff - Located near 631 N 2550 W, Cedar City, UT (APN: D-0968-0004-0000).**

**Introduction:**

Reed Erickson shared the following regarding the New Iron County Jail:

- \* The location is located north of SR 56, just north of 580 North (also known as Horse Alley).
- \* The road to the north is 850 North, which comes off of Airport Road. The land is near the IFA fertilizer facility.
- \* The county ordinance states that a Correctional Institution means a prison, jail, juvenile detention facility, or juvenile security facility.
- \* In an A-20 zone, a correctional institution requires a CUP.
- \* The property is a county owned island with Cedar City incorporated land on all sides
- \* The property is 33.5 acres and it falls within the traffic pattern zone of the airport overlay. The jail is an allowed use in this overlay zone.
- \* One very small corner of the property is in the approach zone, but nothing will exist there so there is no conflict.
- \* The county has had to mitigate about six acres of property for prairie dog habitat by working with the US Fish and wildlife Service and DWR to get permits and to pay fees.
- \* Babcock Design is the consultant the county hired about two years ago to help design the facility and identify the potential impacts.
- \* Shalon Shaver from the Sheriff's Department is in attendance tonight to answer any questions regarding the jail. Sheriff Carpenter will arrive soon.
- \* The main entrance is off of 850 North going south and will connect into Horse Alley (580 N). Horse Alley will not be a main entrance, but will be used as an emergency access.
- \* The building is three stories. The front will be the office space; the pods will be behind and not as visible.
- \* The adjacent properties are the railroad and industrial businesses. There are no residential developments in the area.
- \* The building design is a benefit to how they are able to go from vehicles into buildings safely, through booking, and then to the pod to be housed.
- \* The layout is designed so that there can be a central facility to view all the inmates which is less labor intensive.
- \* This design has been successful in Utah and surrounding states.
- \* There are day use areas and outdoor enclosed yards between the two pods.

Sheriff Carpenter explained:

- \* The 1<sup>st</sup> floor of the pod is for the inmates, the 2<sup>nd</sup> floor is the mezzanine, and the 3<sup>rd</sup> floor will be used for a different classification of inmate.
- \* In the administration portion, the first floor is all jail administration, the kitchen, the laundry, etc. The 2<sup>nd</sup> floor is the sheriff's office, patrol room, and office space. The 3<sup>rd</sup> floor will be for future growth.
- \* There is room for a 3<sup>rd</sup> pod that would be built if needed for future growth.
- \* The property has three ways to get in and out of the property for flow and security.

Reed continued:

- \* There will be increased traffic during construction and long-term traffic once it is built.
- \* 850 North is a good road and a good route to get to the parking area.
- \* Property values are not as big of a concern because no residential homes are near it.
- \* The design is focused on safety & security so there are not concerns with that. There will be security fencing and perimeter walls.
- \* The noise is not a concern because there are no residential homes.
- \* The property will have an onsite retention pond to handle drainage.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- \* Chair Tullis asked about fencing. Sheriff Carpenter explained the fencing is not razor wire or barbed wire across the top. Where the yard is, there will be an approximately 20-foot block wall so no one can see in. Within the yard, it will be chain link. There will be additional fencing around the entire jail portion of the property, but the type has not been decided yet.
- \* Chair Tullis asked about the gate at 580 North. Sheriff Carpenter explained originally the plan was to gate it, but surrounding businesses have asked for it to be opened up. They are working with Cedar City to help determine the use on 580 North to maybe create a loop or a large turnaround area for big trucks.
- \* Rich Wilson noted the drainage is poor in the area and needs to be addressed as well.

- \* Erick Cox shared that he is glad to see they have created the opportunity to build another pod and are planning for the future.
- \* Reed shared that this has been an ongoing process. This is the third or fourth time looking for a location. Also, many of the details have been hashed out, thought about, and discussed in depth.
- \* Chair Tullis reviewed the CUP Review and findings (section 17.28.050) and found the commission to be in agreement.

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

**Motion:** Erick Cox made a motion to grant the Conditional Use Permit for the 33.5-acre property identified in agenda item 3, 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 Jared Christensen

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

**4. CONDITIONAL USE PERMIT APPLICATION – “Recreation, Commercial” – (17.483 Acres)**

**Ryan & Christie Frisby - Located near 2160 S Old Hwy 91, Kanarrville, UT (APN: E-0401-0011-0000)**

**Introduction:**

Reed Erickson shared the following:

- \* The applicants are in attendance tonight and are here to answer questions as we go through the process.
- \* The property is located south of Kanarrville on Old Hwy 91.
- \* Approximately six months ago, some changes were made to the land management code to clarify the difference between outdoor recreation, recreation commercial, and the zones they could be located in.
- \* Recreation Commercial is not allowed in residential zones, but is allowed in A-20, RA-20 and Commercial or Light Industrial zones.
- \* The property is in an A-20 zone and adjacent to SITLA land, Zion National Park, and BLM.
- \* On the north end, a barn, under construction, currently exists on the property and they plan to slowly add a parking area, a pumpkin patch, areas to host holiday festivities, a farmer’s market, and agricultural sales.
- \* On the south end, they plan to create a dirt track for remote control vehicles and a parking area.
- \* They are still trying to determine the details of the restrooms, parking, and water.
- \* The staff is suggesting the ICPC allow them to use temporary facilities for one season of operation to finalize their needs with a deadline of February 1, 2026 to submit final plans.
- \* Traffic will increase in the area, but Old Hwy 91 can handle it because it has good access and elevation.
- \* Parking will all be on-site, and cannot be on or along Old Hwy 91.
- \* Regarding noise, there is a lot of vegetation on the property where they can decide where to put events to buffer noise. I-15 is along the west boundary and Chekshani Cliffs is on the east side.
- \* Hours of operation will be limited to daytime only. No overnight stays or late night activities between 10:00 pm and 7:00 am.

Ryan Frisby, the applicant, shared that:

- \* They searched for property for a long time. Last year they did a maze in New Harmony and it wasn’t a good fit.
- \* They are the fourth generation of their family to do a Halloween maze and want to continue the family tradition for the kids, for surrounding communities, and for families and friends.

**Public Hearing:**

- \* Chair Tullis opened the public hearing.
- \* No comments were made.
- \* Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- \* Erick Cox stated that he thinks this business a good idea.
- \* Erick read the CUP Review and Findings (Section 17.28.050). The planning commission found agreement with this section.

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

**Motion:** Jared Christensen made a motion to approve the application for the 17.43-acre property at the address of 2160 S Old Hwy 91, finding it to be in compliance with Section 17.58.050.

**Second:** Seconded by Laine Sutherland.

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

**5. CONDITIONAL USE PERMIT APPLICATION – “Vehicle Sales & Rental Lot” Impound Yard – (35.72 Acres) SG3**

**Enterprises LLC, c/o Spencer Woodbury - Located near 2957 W 200 S, Parowan, UT (APN: C-1051-0005-0000).**

**Introduction:**

Reed Erickson shared the following:

- \* This application is for an impound yard and will be considered the same as a vehicle sales and rental use, so we will use that for this CUP.
- \* The property is located in Parowan off of 200 South next to Bob & Carolyn Ray’s residence.

- \* The parcel is 35 acres, but they are only going to use a small portion in the upper (northeast) corner.
- \* The property is zoned A-20 and A-20 surrounds it.
- \* They plan to build a 100 x 100 foot chain link fence with security wire. The rest of the property will have a field fence.
- \* The hours of operations could be 24/7, but typical use will be 7:00 am to 8:00 pm.
- \* The staff recommends limiting the project to 20 vehicles on the property. They have to hold a vehicle for 30 days, as required by the state. Most are gone within a week after that 30 days. The staff recommends the County give them a total of 45 days for any vehicle to be on the property.
- \* 200 South is a good road and traffic will not be an issue.
- \* They are aware of and will be careful of the moving of the crashed vehicles to avoid them leaking fluids.
- \* The county will require them to follow the state regulations, which includes having a vehicle sales license.
- \* One concern brought up regarding fencing with slats, is that the wind may cause the fence to blow over. Since visually the slats won't hide the vehicles due to road height, they are probably not necessary.
- \* The applicant is SG3 Enterprises, out of St. George, but they would like a site in Iron County.

**Public Hearing:**

- \* Chair Tullis opened the public hearing.
- \* No comments were made.
- \* Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- \* Laine Sutherland read the CUP Review and Findings (Section 17.28.050). Commission found agreement.

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

**Motion:** Laine Sutherland made a motion to grant the Conditional Use Permit for the 35.72-acre property identified in agenda item 5, 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; Laine Sutherland, aye; Jared Christensen, aye)

**6. COUNTY CODE AMENDMENT – Ordinance 2024-5, Adding “Section 17.30.090 – Designated Livestock Trails”  
CONTINUED FROM JUNE 6<sup>th</sup> PLANNING COMMISSION MEETING**

**Introduction:**

Reed Erickson shared the following:

- \* This item, Ordinance 2024-5, was on our agenda on June 6, 2024 where the ICPC voted to continue this discussion for this meeting.
- \* A public hearing was held at the June 6, 2024 ICPC meeting.
- \* The County Commission held a Public Hearing on June 10, 2024 and many people gave input on the livestock trail proposed ordinance.
- \* Additional language has been added as a result of those comments to include notifying local law enforcement of livestock movement, to enlist their help in directing traffic, and posting signage, all to ensure the safety of the owners, the livestock, and county residents.
- \* The ICPC will need to make a recommendation tonight to the July 8<sup>th</sup> County Commission meeting.

**Planning Commission & Staff Discussion:**

- \* Erick Cox noted that in the South Mountain Development there is a livestock trail that goes through private property. He recommends the trail be realigned to follow the street instead of through each residential property.
- \* Reed stated that this map will continue to be refined and if there needs to be changes, they will contact Kendal Allan in the IT department to fix those.
- \* Michelle Tullis shared that she reached out to two Cedar City council members regarding road speed limits and livestock trails on those roads. They were not aware of anything in place regarding speed limit determining routes.
- \* Marilyn Wood noted that most of the stock trails within city limits are along roadways.
- \* Erick Cox asked Sam Woodall to explain the word “reasonable” in the ordinance.
- \* Sam explained that it means to take into account the circumstances related to a specific road. For example on Hwy 56, it means to get notices up 24 hours per day, signage, and somebody there to help the livestock cross the road. Other roads may not require that.
- \* Ken Carpenter shared that law enforcement is usually notified by the farmers and ranchers to assist with livestock drives.
- \* Marilyn Wood shared that lighted blinking signs were used in Parowan Canyon recently. Parowan City officers assisted. The livestock owners were very grateful.

- \* Scott Stubbs noted that at the last meeting, there were some issues but the group came together and worked through it. The livestock owners are not trying to interfere with people's lives, but it's what they do, they feed people.
- \* Reed shared that Diane Stiller is in attendance from New Harmony in Washington County. She reached out and wanted a copy of the map. He agrees it is a good idea to share this map with all the cities and the adjacent counties so they can recognize the designated routes and coordinate alignments.
- \* Scott Stubbs has shared this info with the Farm Bureau and other counties so they can see the value.
- \* Matt Rhodes noted that there is value in this beyond just the livestock trails. This information will help UDOT when they are planning underpasses. The map is a great tool and could be shared with residents in the construction areas as well.
- \* Rich Wilson shared that the county sign department has "Livestock Moving Ahead" or "Livestock Following" signs that can be used with receiver hitches. They can be checked out from the county sign department or there may be an option to purchase signs from the county, as well.
- \* Scott Stubbs, representing the Farm Bureau thanked everyone for all the work in creating the map and working through the issues.

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

- \* **Motion:** Jared Christensen made a motion to recommend to the Iron County Commission that Ordinance 2024-5 adding Section 17.30.090 – Designated Livestock Trails, identified in agenda item 6, be approved.
- \* **Second:** Seconded by Erick Cox.
- \* **Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Laine Sutherland, aye; Jared Christensen, aye)

**7. CONTESTED ALUP APPLICATION – “Guest House” Christopher Larrison (3.59 Acres)**

**1223 S Cedar Bluff Drive, Cedar City, UT (APN: D-1139-0010-0079-0000)**

**Introduction:**

Reed Erickson shared the following:

- \* This is a contested Administrative Land Use Application so it must come before the planning commission when the staff's suggested mitigations are not resolved to the satisfaction of the protester.
- \* Letters were mailed to the adjacent property owners in Cross Hollow Hills and North Ridge at Cross Hollow Hills.
- \* The applicant's site plan shows the new guesthouse located just to the side of the existing house. There is quite a bit of vegetation and topography throughout and it is not very visible. The guesthouse is approximately 600 square feet.
- \* The property owner to the east sent a letter stating the proposed guesthouse is a detriment, inappropriate, and did not want the potential of rental properties in the area.
- \* The protesting adjacent property owner did not supply a phone number or email so he was mailed a letter explaining that his concern would be considered at this meeting.
- \* He suggested the applicant go talk to the neighbor, but the applicant didn't feel that was necessary.
- \* Neither the applicant nor the neighbor are in attendance at this meeting.
- \* The ALUP notice that is being considered is standard for guesthouses with nothing unique or different about it.

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

**Motion:** Michelle Tullis made a motion to direct the Iron County Staff to issue the "Contested" Administrative Land Use Permit for Christopher Larrison, for the property identified in agenda item 7.

**Second:** Seconded by Laine Sutherland.

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

**8. ZONING DISCUSSION FOR THE KANARRAVILLE TIER II AREA (Agriculture Protection Area Application)**

**Introduction:**

Reed Erickson explained the following:

- \* The discussion tonight is to begin the planning process to fix some of the Tier II boundaries and some of the zoning around some of the municipalities.
- \* The information given tonight is an introduction, so there is no rush or urgency for a decision.
- \* The staff has talked for a long time about fixing zoning and tier boundaries around our municipalities. In 1980 or 1982, when the county first starting zoning, they were zoned around the municipalities for small lots. There were no septic tank density analysis studies done at that time. The growth was much slower then. Now, 45 years later, there has been a septic study and due to a recent issue, it is time for the county to take a closer look at this and make changes.
- \* Recently, in Kanarraville off of 500 North, we had an issue of a 7-acre piece of property.
  - o Jared Cornelius applied for an Agricultural Protection Area on the property.
  - o As Reed reviewed the application, he found it wasn't eligible because it is zoned R-1. The property must be zoned for agriculture. The county does allow agriculture in R-1, the limit is 10 animals. Jared has approximately 2000 sheep when lambing.
  - o The applicant didn't realize it was R-1.

- \* Some parcels in Kanarrville straddle both the city and the county on the map. These also need to be cleaned up.
- \* The Septic Tank Density Study, in Kanarrville, shows there are 498 existing lots. This means that only 73 more available lots would be allowed septic. The county needs to re-evaluate some of the zoning and have been waiting for Kanarrville to determine their annexation policy.
- \* In 1995, when the county instigated the tiering system, it was off of each of the city's plans of growth areas, which was required by state law.
- \* The county assigned the potential annexation area to be called Tier II.
- \* When looking at rezoning some of this could be done with a tier change. Please consider:
  - o Originally the county's Tier II area was where the municipalities intended to grow, but now their plan is supposed to only represent that area in which they expect to grow and can extend their services out for 20 years. The municipalities are not following that very well.
  - o Over the years, the county plans and the municipality plans have changed so they don't resemble each other any longer.
  - o In 2005, the county made changes stating property in Tier IV cannot be subdivided if it is less than 20 acres because there is not infrastructure there. This was done so there aren't thousands and thousands of 1-acre and 1/2-acre lots like there are currently in the western part of the county.
  - o Subdivision could happen in Tier II where expected higher density of growth would be. For example, Cedar City wanted to annex 80 acres above 3000 North, but they couldn't because it wasn't in their annexation policy plan even though services are available there.
  - o In Tier III, when resorts or villages are added, the developers have to step up and bring the services in.
  - o Kanarrville is not wanting to expand their water system or add sewer, so it is not growing. They are actually de-annexing one parcel currently.
  - o Several questions to ask ourselves are:
    - What do we want to do within Tier II?
    - Do we provide another Tier II option for people who do some kind of development? How big should it be?
    - Do we want to still concentrate development around a community and have that kind of density even it's on septic for anything less than 10 acres?
    - Where should the Tier boundary be?
    - Do we want to break up large areas into smaller pieces or should it be 20-acre lots or larger?
  - o One idea would be to rezone areas from R-1 to R-5 even though they can only have 10-acre lots because of septic density requirements.
  - o If we leave Tier II in a large area, we could zone it RA-20. Then in the areas closer, we could do R-5 and allow the parcels to be split.
  - o There is no reason to have any R-1 in the unincorporated Iron County. It should be at least R-5, but we need to decide how far out to go.
- \* The county should review and identify A-20 and RA-20 areas so we don't have big industrial agricultural development in a residential area. We can protect the municipalities and the residential development with RA-20 around it. It would not have to be in Tier II. No action is required by the ICPC tonight, as this is an introduction only.

Erick Cox asked if rezoning to R-5 would help Jared Cornelius and Reed explained that a 5-acre parcel can qualify for ag protection, but not R-5 zoning. R-5

zoning only allows for 25 animal units. RA-20 allows for 100 animal units, which still isn't enough. Jared decided not to go forward with the Agricultural Protection Zone. Reed felt it was important to discuss the zoning and tiering with the ICPC anyway.

Erick asked if this issue also exists in Newcastle and Reed explained it exists in the Tier II and Tier III throughout the county so it needs to be addressed.

Laine Sutherland asked why Jared cannot apply for the Agricultural protection if he was there first and if there is anything in place to protect ranchers.

Reed explained his property is a legal pre-existing non-conforming use, but it has been R-1 for 45 years. In about 2005 the animal numbers were changed. Our ordinances would not drive him out, but neighbors could with nuisance complaints through the courts.

He can't get a new protection area because he is not zoned to do what he is already doing. He can't move forward, but he is grandfathered in. Since he's getting complaints, he wanted to help fix it, but since he is grandfathered in, he'll just continue it as is.

Laine asked why it affects him since he was there so long prior.

Reed explained this happens with anything when people move next to it and they don't like it. This happens all over the country.

Marilyn Wood stated it is smart to do an Agricultural Protection if it is zoned properly.

Laine asked if the county could fix the parcels near Kanarrville that are both in the city and the county.

Reed explained that the zoning issues are county wide, so Reed suggested starting somewhere and talking about each area a little at a time similar to how the transportation plan was done. He recommended starting with Kanarrville, then Newcastle for the Tier III, then Paragonah for the Tier II.

Chelsea Boxwell suggested creating a new R-10 zone to buffer around all of the Tier II areas.

Reed thanked the planning commissioners for the discussion and asked them to look over the map, and asked them to come prepared to discuss it at next month's meeting.

**9. MINUTES...** consider approval of minutes for the June 6, 2024 meetings.

**Motion:** Erick Cox made a motion to approve the July 2, 2024 meeting minutes.

**Second:** Seconded by Jared Christensen.

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

**10. STAFF REPORTS...** A. Building Department B. County Attorney C. Planner & Services Coordinator

None.

**11. ADJOURN**

Chair Tullis adjourned the meeting at 7:25 pm.

Minutes Approved August 1, 2024 by the Iron County Planning Commission



8/2/2024

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**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**August 1, 2024**  
**MINUTES**

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, August 1, 2024 at 5:30 pm, Cedar City Festival Hall, Room #1 – located at 105 North 100 East, Cedar City, Utah

**Members Present**

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

**Excused**

Erick Cox – Vice Chair

**Staff Present**

Reed Erickson	Iron County Planner
Terry Palmer	Iron County Building Official
Nate Dennett	Iron County Building Dept.
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Dept.

**Others Present**

Johanna Wiles  
Shawn Wiles  
Gaylen Matheson  
LeAnn Bryan  
Nick Bryan  
Diana Stiller

**Representing**

Self  
Self  
Self  
Self  
Self  
Self / New Harmony

**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.

**\*REQUEST TO ADD AGENDA ITEM 2A.**

Reed Erickson shared and recommended the following:

- Some of the adjacent property owners are in attendance at tonight’s meeting to discuss a proposed zone change from A-20 to RA-20, request by Kirt Watson.
- Letters were mailed and notices were posted, but because the subdivision portion of the request wasn’t ready, it was not added to the agenda.
- Reed recommended the ICPC hold the public hearing and continue the item to the September meeting to hear additional comments and recommend action. If the zone change is approved in September, the staff will review the subdivision separately.

Chair Tullis discussed it with the ICPC members and all agreed to add the agenda item and discuss it before moving on to agenda item #3.

**2A. ZONE CHANGE APPLICATION – “A-20 to RA-20” (Approx. 151.68 Acres) located near 7000 W 4000 S, Cedar City, UT (APN: E-0274-0000-0000) Applicant: Kirt Watson**

**Introduction:**

Reed Erickson shared the following:

- The property is currently zoned A-20 and is located along 4000 S between the Hamilton Fort interchange and 7700 W.
- The applicant is proposing a rezone from A-20 to RA-20 so they can apply to subdivide the 151-acre parcel into seven 20-acre lots for a preliminary subdivision with a cul-de-sac type road in the middle of the parcel.

- The subdivision road will come off of a chip sealed road so it will have to be a chip sealed. The applicant will need to submit detailed water, road and fire suppression system specifications.
- The applicant plans to have their own well as a water source.

Roger Thomas asked and Reed clarified that if it is rezoned and subdivided into 20-acre lots, it will still be compliant for septic. The minimum acreage requirement is five acres and these lots will be 20 acres.

**Public Hearing:**

Chair Tullis opened the public hearing

- Shawn Wiles, an adjacent property owner, shared that he has concerns about water, the road, and the utility easement.

Reed explained:

- They will have a private well for the seven lots. When there are seven or less lots, a non-public water source is allowed.
- Fire suppression is provided by on-site storage of 30,000 gallons.
- The road will be public and built to county standard. The county will accept and maintain it once it is complete.
- There is a utility easement across the north end of the property so they will need to work with the power company to bring in power.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed stated this agenda item will be on the County Commission's August 12<sup>th</sup> meeting for comments only. He will add it to the September 5, 2024 ICPC meeting for recommendation and then to the County Commission meeting on September 9, 2024 for final action.
- Mark Halterman clarified they will need 1-acre foot of water per lot for a total of seven, plus fire suppression.
- Reed shared the water requirements will be resolved by the staff during the subdivision approval process.
- Roger asked and Reed clarified that the general plan does allow for this type of zoning change and subdivision in a Tier 4 area. Nothing smaller than 20-acre lots are allowed in Tier 4.

**3. ZONE CHANGE APPLICATION – “R-5 to R-1” (12.0 Acres) Located near 1198 W, 1190 W, and 1316 W Midvalley Road, Enoch, UT (APNs: D-0537-0002-0004, D-0538-0538-0001, D-0538-0001-0000 & D-0534-0005-0000) Applicants: Gaylen & Amanda MATHESON**

**Introduction:**

Reed Erickson shared the following:

- The parcel is a 12-acre parcel located off of Midvalley Road between Lund Hwy and Bulldog Rd.
- The property is zoned R-5 and adjacent to R-1 zoning. The applicant is requesting the zone be changed to R-1.
- There are 4 parcels that comprise 12 acres.
- The adjacent property owner has agreed that one small .77-acre parcel next to the 4 Matheson parcels be rezoned to R-1 as well.
- Gaylen Matheson, applicant, is in attendance tonight to answer questions.
- One lot is under agricultural production and two lots have homes.
- The applicant would like to rezone from R-5 to R-1 and create approximately 12 lots through a maximum density subdivision.
- The upper portion of the parcel would be kept in agriculture production.
- Water will be accessed through the CICWCD.
- Sewer will be accessed through Cedar City and would work well with the approximately 12 lots on the lower portion of the property.
- The Enoch City annexation area does not include this area so they would remain in unincorporated Iron County.
- The zoning request needs to be reviewed and recommended by the ICPC tonight. The subdivision, if it is over 11 parcels, will be brought before the ICPC another time.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

Reed reviewed the considerations regarding a rezone:

- Services available – Drainage, Water, Sewer and Road access to and improvements within the subdivision

**Motion:** Mark Halterman made a motion to recommend to the Iron County Commission that the zoning change from R-5 to R-1 for the 12-acre property identified in agenda item 3 including the adjacent .77-acre lot be approved with modifications.

**Second:** Seconded by Jared Christensen.

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

**4. COUNTY CODE AMENDMENT “ORDINANCE 2024-6” – Approving minor plat amendments by Staff (designated County Land Use Authority) – Chapter 16.28, Iron County Code.**

**Introduction:**

Reed Erickson shared the following:

- Consideration of Ordinance 2024-6 would allow staff to approve final plats and minor subdivisions when there are no modifications or vacation of roads.
- Recently the county has had several proposals to combine mountain lots from three to two or from two to one to accommodate the need to have a large enough lot to build on.
- Currently, per code, the applicant has to go to the County Commission for approval of a plat modification, where:
  - Two lots are allowed to amend their mutual boundary.
  - A lot cannot be vacated.
  - A plat amendment has to be approved by the County Commission.
- Proposed changes would be under Chapter 16.28 as follows:
  - Section 1 changes include:
    - Allow an administrative land use authority to approve amendments to plats or minor subdivisions.
    - Allow an administrative land use authority to approve lot line adjustments within a recorded plat or minor subdivision, not considered a plat or minor subdivision amendment.
    - Require the County Commission to hold a public hearing for a plat or minor subdivision amendment if it is related to county roads, rights-of-way, or common areas.
  - Section 2 changes include:
    - An updated list of all Land Use Applications including the Procedure Type, Notice Type, Public Hearing requirements, and who is responsible for approving the application.

Roger Thomas asked and Reed responded that this would include public easements, but not if the easement is private or prescriptive.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Motion:** Roger Thomas made a motion for approval for Ordinance 2024-6 as County Code under Chapter 16.28 as presented.

**Second:** Seconded by Mark Halterman.

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

**5. FLOOD CHANNEL DISCUSSION – Parowan Creek – Amending the Subdivision Construction and Design Standards – Flood Channel Setback Standards Sheet #1**

**Introduction:**

Reed Erickson explained:

- This discussion is a follow-up from the last ICPC meeting.
- Previously the ICPC reviewed and set channel setbacks for Coal Creek, Shurtz Canyon, and Quichapa, but nothing for Parowan Valley or in the western part of the county.

Rich Wilson shared the following regarding the 100-year flood study of Parowan Creek created by Bowen-Collins, which states:

- The 100-year peak flow is estimated at 4,810 cfs and record peak flow at 2,210 cfs.
- All of Parowan is and will continue to be in a floodplain. The area east of I-15 shows the entire area has floodwater potential anywhere from 6 inches up to 24 inches.
- This study information will require all home and building owners to have flood insurance unless something is done to mitigate the area such as improve drainage and increase the capacity of the flood channel.
- The Bowen-Collins study currently in process shows the channel setbacks for Parowan Creek should be 125 feet wide in places. The depth varies along the route, but cannot go deeper than the lowest depth of 11.5 feet recommended due to the topography and flat area the water will be traveling to the west of I-15.
- The study map provided by Bowen-Collins is broken up into 6 sections along the drainage route. Each section has design details that include the length and the designed standards for slope, width and depth.
- The county line and Parowan City line follow some of Parowan Creek so there are portions we will share the project with Parowan City on the north of the channel and there are portions the county completely surrounds the channel. The county has a setback ordinance, but Parowan does not so there are some concerns about how to proceed in those areas. Dan Jessen at Parowan City is aware of the concern.
- Bowen-Collins recommended the plan shows the setbacks all entirely on the county side since Parowan already has development on their side where the setback would need to be. Moving existing development isn't recommended, so the plan shows the entire setback on county unincorporated land.

**Planning Commission & Staff Discussion:**

Discussion with the staff and planning commissioners included:

- Moving the channel to alternate routes.
- Notifying potential developers of setbacks and potential annexation areas identified by Parowan City (map sections 3-6).
- Proposing to Parowan City to annex properties between Old Hwy 91 and the I-15 sooner rather than later. Parowan City is receptive to discussing annexation.
- Timeframe of channel improvements are unknown, but the county is working with NRCS for funding for design and implementation.
- Two years ago, funding was expected to be \$67 million, which did not include land acquisition and easements. It will be higher now.
- Land acquisitions and easements are estimated at \$8 million. These funds must come from the county since federal funding is not available for property acquisitions, bridges, or culverts.
- Working with Parowan City to get proper flood and setback ordinances in place so the entire burden is not on the county.
- Helping Parowan Residents understand the importance and need of expanding the channel to take the town out of a flood plain.
- Federal funding requires alternatives such as plans for a 50-year flood (which Bowen-Collins has done) and a step process of channel improvements.
- The step plan includes the cost increments and the potential benefits and are approved based on the cost to ratio benefit, which includes showing all the properties that will benefit. If the ratio is 1 or greater, NRCS will fund it only if the community adopts the plan to improve the channel.
- A separate project is being discussed by Parowan to support a line that will take a 3-foot pipe down 300 E to the county gravel pit to be used as a recharge basin. The biggest challenge for high silt flooding this pit is the monsoons, not spring run-off. Small reservoirs upstream will not be needed if the county pit is used as a recharge basin.
- The potential reduction with the added pit has been accounted for in the size of the channel.
- This discussion will continue at the September meeting and possible recommendation if the ICPC feels ready to move forward.

## 6. ZONING DISCUSSION FOR THE KANARRAVILLE TIER II AREA

### Introduction:

Reed Erickson shared what was discussed at last month's meeting for the benefit of the 3 ICPC members that were not in attendance:

- The idea to discuss changing designated Tier II Areas is based on the septic density study the county did last year.
- Tier II areas are the areas just outside municipalities in the county that the municipality may potentially want to annex.
- We are starting with Kanarrville since they are updating their annexation area plan and we now have the septic study to refer to when discussing zoning and annexation in the Tier II area.
- The idea of Tier II around a municipality is to encourage higher density closer to infrastructure.
- In 1995, the Tier II areas were created based on each municipality's annexation boundary plans (annexation policy plans).
- Since 2005, for the area around Kanarrville, there has been a 5-acre minimum septic requirement. Now it is a 10-acre minimum based on the septic study.
- A summary of the septic tank numbers for Kanarrville are:
  - 308 septic systems exist currently.
  - Groundwater contamination level cannot exceed 3.5 nitrate level which would happen when a total of 425 septic systems are being used.
  - 498 parcels exist in the Kanarrville study area so there are 73 more lots in the area than what can be allowed to have septic systems.
  - Looking forward, the only solution to serve all 498 parcels is to have a central sewer system.

Reed explained the following options he has come up with:

- The area around Kanarrville that is currently zoned as R-1 could be changed to R-5 if they used alternative septic systems that would reduce their nitrates by 50%. If not, they would remain 10 acres.
- The option to add a 10-acre zone was previously discussed, but it's not really needed because a 5-acre zone includes the option for a 10-acre parcel.
- Changing to R-5 will still allow people to build on existing lots, to subdivide to some extent, to preserve the groundwater, and to try to concentrate growth.
- Once those lots are identified to be zoned R-5 inside Tier II, the parcels further out (Tier IV) will be required to be 20 acres.

### Planning Commission & Staff Discussion:

Discussion with the staff and planning commissioners included:

- All 498 pre-existing legal lots near Kanarrville are still eligible to build on. We are not changing that. The recommended zoning changes would change the uses, the setbacks, the minimum lot widths, and the requirements of existing parcels to be subdivided according to septic requirements.
- The septic and the ability to build on the existing parcels doesn't change. What changes is how they subdivide. For example, if they have 10 acres, they cannot subdivide down to ten 1-acre lots.

- The general plan specifies reducing the land area of the Tier II annexation areas so the concentrated growth is near urban developments (not in Tier IV). This plan will help implement the policies put in place in 1995 and 2005.
- When it's time to recommend the changes for the Tier II, zoning, and general plan changes, there will be a public hearing.
- Reed is attending a meeting with Kanarrville this month, to help clean up properties split by annexation and zoned differently. Kanarrville's plan states they do not want to expand at all, but Reed will ask them to clean up the lots that are partially in Kanarrville and partially in the county.
- Everyone can still build on existing lots. The recommended plan does not change the size of any existing lots.
- Changing the zoning will make it more compatible with the concepts of the Tiering system in the general plan.
- These changes are needed now because we do not know when there will be a sewer system in Kanarrville. Currently, they don't want to grow in population or infrastructure.
- These changes will level the playing field for growth and property values in the areas where there are septic requirements.

#### **Planning Commission Direction for subsequent meetings**

Reed shared:

- No action needs to be taken at this meeting. This topic is still open for discussion on how to better reflect what the ordinances say and to make it easier to know what can and cannot be done.
- Reed will meet with Kanarrville in August to get their input and feedback.
- This topic will be on the agenda for further discussion at the September ICPC meeting.
- The slides will be emailed to the ICPC members for review.
- The county website maps are a good way for the ICPC members to see the affected area and give feedback regarding the proposed changes.

#### **7. MINUTES... consider approval of minutes for the July 2, 2024 meetings.**

**Motion:** Michelle Tullis made a motion to approve the minutes from the July 2, 2024 meeting.

**Second:** Seconded by Mike Platt.

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

#### **8. STAFF REPORTS...**

A. Building Department:

Terry Palmer reported that the number of permits is up 30 to date from last year.

B. County Attorney:

Reed reported that Sam Woodall is excused due to a special County Commission Meeting being held in Parowan this evening.

C. Planner:

None

#### **9. ADJOURN**

Chair Tullis adjourned the meeting at 7:05 pm.

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



9/6/2024

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

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

**Members**

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

**Excused**

Michelle Tullis -- Chair

**Staff**

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

**Others Present**

Russell Limb  
LeAnn Bryan  
Kirt Watson  
Richard Kline  
Drake Howell  
Jim Harmer  
Marilyn Wood

**Representing**

Progressive Contracting  
Deer Meadows Subdivision  
Dear Meadows Subdivision  
Self  
BZI Innovation Park  
Safe Gun Range, LLC  
IC Commissioner

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Vice Chair Erick Cox opened the meeting at 5:30 pm.  
Mike Platt led the Pledge of Allegiance.

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

Vice Chair Cox opened the public comments.  
No comments made.  
Vice Chair Cox closed the public comments.

Reed Erickson shared that Michelle Tullis was excused, and both Mark Halterman and Sam Woodall would be late.

**3. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining & Agriculture Products Processing and Storage” Gravel Materials (19.97 Acres) Located near 251 N Cross Hollow Rd, Cedar City, UT (APN: D-0945-0001-0002-01)**

Applicant: Progressive Construction Inc., c/o Randy Clark & Russell Limb.

**Introduction:**

Reed Erickson shared the following regarding the CUP for Surface Mining & Ag Products Processing and Storage:

- Russell Limb, the applicant, is in attendance to answer questions.
- Both of the proposed uses are listed as uses in the county’s Table of Uses for the A-20 Zone with a Conditional Use Permit.
- The property is located off of Hwy 56 on the south side across from the airport and is an island of un-annexed property owned and used historically by the Livestock Association to on-load & off-load product using the nearby railway.
- Our ordinance states a gravel mining operation included subsurface mining by definition, but their intent is not to do subsurface mining.

- They plan to crush, screen, separate, and sell the rock as they level the hill on the property. This will allow them to have a flat area to stockpile gypsum coming from Cedar Canyon and load it onto the rail.
- The parcel was recently created through a lot line adjustment in coordination with the Livestock Association.
- Access will be off of North Cross Hollow Rd with an easement across other Livestock Association land.
- Since this property is close to the municipality boundary, it has potential for annexation by Cedar City. We compared it to their general plan regarding annexation and zoning and to identify any potential conflicts.
- The property is in the airport approach zone. The only things not permitted in this zone are an amphitheater and residential. The applicant will not be doing either of those so it will be in conformance with the overlay zone.
- Cedar City's future land use map shows this area as central commercial. The location may not be ideal for offloading, but it is on the rail, is zoned A-20, and the uses are already allowed, so conditions of a CUP is the only way to address future conflicts such as length of time allowed for the operation.
- Residential exists further south on Cross Hollow Road, but closer to Hwy 56 is commercial including AmeriGas and Fizz.
- The gravel operation is expected to be fairly short term. Once the hill is gone, they will not create gravel, but they will stockpile gypsum there.
- Going forward the only concern is dust during loading and off-loading, which is addressed with a condition in the permit.
- Stockpiling will be on the south half of the property.
- Adjacent property owners were notified of this proposed CUP, but none have responded with any concerns.
- South of this property is a potential new location for the livestock auction and they feel this project won't interfere. The property south is zoned as A-20 and would have to be rezoned if they continue their plans for a restaurant, etc. and consider annexation into Cedar City to obtain water service.
- Potential concerns include traffic impacts both during construction and during operation. The access off of Cross Hollows Rd will be south of the intersection and railway. They may have up to 20 loads per day of large trucks so safety, noise, and dust were addressed in the permit.
- Considerations were also given to the existing access to the rail, its historic use, and the rail not being expanded or lengthened.

Vice-Chair Cox invited Mr. Limb to add to the introduction, but he had nothing to add.

**Public Hearing:**

Vice Chair Cox opened the public hearing.

No Comments made.

Vice Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Jared Christensen read the CUP Review & Findings (Section 127.28.050) Section A and Vice Chair Cox read the CUP Review & Findings (Section 127.28.050) Section B.
- A copy of the conditional uses were given to the ICPC members for review. The applicant is agreeable to the conditions.
- Vice Chair Cox noted that Cross Hollow Rd is a dedicated Cedar City street and they will need to work with Cedar City to determine ingress and egress.
- Roger Thomas noted there are no conditional uses regarding fencing and asked if site-blocking fence would be a benefit especially for traffic going to and from the airport.
- Reed noted the staff didn't think a fence would be needed because there is no livestock in the area.
- Vice Chair Cox stated the location is further west of the airport, so a site-blocking fence won't be needed.
- Terry Palmer shared concerns about the traffic because the intersection is busy and there have been many crashes at that location.
- Vice Chair Cox noted that UDOT doesn't really have any say regarding the entrance because access is not off of Hwy 56, but UDOT may review the signal needs at Hwy 56 once the entrance is in place.
- Reed noted that Mr. Limb has improved the road on Hwy 14 where they mine and understands the need for safety.
- Reed clarified that central commercial is what Cedar City's master plan shows this property would be zoned if they annex it.
- The applicants proposed use is an allowed use in the current county zone with a conditional use permit.
- Mr. Limb shared:
  - The gravel from the hill removal will be sold rather than relocated.
  - The gypsum won't be stacked very high because they intend to stockpile for short periods and load it on the rail quickly.
  - They won't be working on the high ground for long.
  - The lease agreement is for a 10-year period.
- Vice Chair Cox shared if there is livestock on the southern parcel, there may be a need for them to have piped water.
- Reed explained to get water, they will have to be annexed into Cedar City.

- Mike Platt asked that when there is a development in the airport overlay area, if they would need to acquire an aviation easement.
- Reed explained not unless there is a building. The County could require them to apply, but that need hasn't been identified here.

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

**Motion:** Mike Platt made a motion to grant the CUP for the 19.97-acre property identified in agenda item 3.

**Second:** Seconded by Jared Christensen.

**Motion Passed:** (Voting: Erick Cox, aye; Michael Platt, aye; Laine Sutherland, aye; Jared Christensen, aye; Roger Thomas, aye)

**4. CONDITIONAL USE PERMIT APPLICATION – “Recreation, Commercial” Gun Shooting Range (149 Acres)  
Located near 1280 W Antelope Springs Rd, Newcastle, UT (APN: E-0977-0001-0000)**

Applicant: Gun Safe Range, LLC, c/o Jim Harmer.

**Introduction:**

Reed Erickson shared the following:

- Jim Harmer, the applicant, is in attendance for this CUP review.
- The county does not have a specific gun range use listed in its ordinances, but in the past, the county has permitted gun ranges as Commercial Recreation.
- The property is located on the west side of the county, east off of Beryl Hwy and north of Antelope Springs Rd.
- The parcel is a long rectangle shape about one mile in length.
- The proposed use fits better as commercial recreation rather than outdoor recreation because of the nature of them holding private events, filming and using it for commercial purposes.
- The business has been well established at other locations, and this location fits well for them.
- The zoning is A-20 and all around it is A-20.
- The shooting area would be from 100 yards out to 1000 yards.
- The one use that is different from a shooting range is a glamping spot where the staff or guests could stay overnight when doing videos for the business.
- The permitted use for camping is up to 16 days, but glamping for this use would be part of the CUP and allow them to stay there anytime.
- Ways to mitigate impacts include:
  - Safety and security (everything marked clearly, good setbacks, and limited use facility—not open shooting range)
  - Noise
  - Dust

Vice-Chair Cox invited Mr. Harmer to add to the introduction, but he had nothing to add.

**Public Hearing:**

Vice Chair Cox opened the public hearing.

No Comments made.

Vice Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion**

- Roger Thomas asked and Mr. Harmer clarified that they will use shipping containers with solar light for storage noting that only a couple of boxes of ammo would be there at any time. They do not plan to use a lot of powder for re-loading.
- Roger asked and Terry clarified that the fire department would be involved during the building permit process. The nearest structure is on the property east and is about 1 mile away.
- Jared Christensen asked and Mr. Harmer clarified that there is no water on the property to control fire or dust.
- Vice Chair Cox noted they would have to follow WUI code.
- Mr. Harmer stated they will be shooting metal targets with a 25-foot gravel pad around each target.
- Terry Palmer stated that the fire department should review this.
- Reed noted that condition #26 identifies a water truck must be there during construction.
- Jared stated that if they add gravel, it won't be as much of a problem, but had concerns about clearing the whole property.
- Mr. Harmer shared they are only going to clear a path to get to targets and only around the targets, not the whole property.
- Vice Chair Cox identified the CUP Review & Findings and asked if the ICPC members had any issues with sections A or B. No issues were identified.

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

**Motion:** Jared Christensen made a motion to grant the CUP for the 149 acre property identified in agenda item #4 having found the application to be in compliance with the regular requirements of the County Land Management Code, specifically Section 17.28.050.

**Second:** Seconded by Roger Thomas

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

**5. ZONE CHANGE APPLICATION – “A-20 to RA-20” (151.68 Acres)**

**Located near 7000 W 4000 S, Cedar City, UT (APN: E-0274-0000-0000)**

Applicant: J.A. Watson Family Trust, c/o Kirt Watson

**Introduction:**

Reed Erickson shared the following regarding the zone change application:

- This zone change was discussed at last month’s meeting, but no action was taken due to not listing it on the posted agenda.
- None of the adjacent property owners voiced any problems at last month’s meeting or at the County Commission meeting held on August 12, 2024.
- The property is located off of Vandenburghe Road (4000 S).
- The applicants, Kirt & LeAnn Watson, are in attendance.
- The property is adjacent to A-20 and other RA-20 zoned property.
- They will use a private water system with individual septic systems on each side, as well as some fire suppression water.
- The fire department has been consulted and the fire suppression will be reviewed again during the subdivision approval process.

**Public Hearing (continued from August 1, 2024):**

Vice Chair Cox opened the public hearing.

The following comments were made:

- Richard Kline, a resident in the general area, asked for clarification of the purpose of the zone change.
- Kirt Watson explained there is power and a road there. They are planning to have seven 20-acre lots with ranchettes.
- Reed shared that the 7 lots will be accessed off of Vandenburghe Road into a cul-de-sac, dead-end road.

**Planning Commission & Staff Discussion:**

- Reed reviewed the evaluation considerations for re-zoning property and the staff found there are no concerns.
- Jared Christensen clarified the road will be a chip sealed standard county road.
- Vice Chair Cox clarified it is south of Vandenburghe Road, and that flooding won’t be an issue.
- Kirt noted that the road (4000 S) is nice, but some people travel too fast.

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

**Motion:** Vice Chair Cox made a motion to approve this zone change from A-20 to RA-20 for the 151.68 acres, noted as agenda item #5 on the September 5<sup>th</sup> agenda.

**Second:** Seconded by Mark Halterman.

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

**6. DEVELOPMENT AGREEMENT – BZI Innovation Park (772 Acres)**

**Located along Iron Springs Road between approximately 1300 N and 2400 N, Cedar City, UT**

**Introduction:**

Reed Erickson shared the following:

- Drake Howell is in attendance representing BZI Innovation Park.
- The proposed development agreement includes a residential area in the upper portion of the property planned to be zoned both R-½ and R4K, which would need to go through the legislative zoning approval process.
- The proposed development agreement is similar to a Tier III proposal that would allow special uses or allowances that are above and beyond what is typically allowed in the ordinance.
- This process requires a public hearing at an ICPC meeting with a recommendation to the county commission, and then a public hearing at a county commission meeting with a final decision by the county commission.
- Some of the proposed uses for the property are not listed specifically in the county’s table of uses. The staff has reviewed the proposed uses and reviewed them with the applicant.

- Because some of the county's uses are broad, the applicant's proposal clarifies some uses more specifically. For example, a bus terminal is not a specifically listed use in the county's table of uses, but vehicle and rentals lots are.
- Benefits of having a development agreement are:
  - To make it more clear for the businesses that will be part of the development of what can be done going forward.
  - To lock in assurances that they can continue to build out the development and the rules won't change when there are new planning commissioners and county commissioners, including requirements for sewer, lift stations, allowed uses, etc.
- The county did work with Cedar City to get approximately 400 sewer connections committed for this specific development.
- The agreement is a longer term than the county's usual development agreements, but this is a large area that will take time to develop. Possibly 50 years.
- The agreement specifies that when the last development is done, the final certificate of occupancy has been given, and all commitments met, the agreement can be terminated. With proper notice, the county or developer can terminate with cause at any time.
- Sam Woodall, Iron County Deputy Attorney, has reviewed the agreement and worked with Drake Howell and BZI's attorneys to refine it.
- Sam shared that the agreement is very thorough and a very good agreement.
- Vice Chair Cox asked for clarification on the change to one area that previously was approved as light industrial and is now being proposed as heavy industrial. The area is close to residential and a church.
- Mr. Howell clarified that the only reason they requested this 12 acres to be heavy industrial is because they will be building their main building there. Light Industrial has a height restriction and Heavy industrial does not.
- Vice Chair Cox asked if the intent for residential is for housing for the workers and potentially the manufacturing businesses to purchase them for their employee housing.
- Mr. Howell shared that is just one element of the housing proposal to attract manufacturers to the park, but also to help the county with its housing shortage.
- Terry Palmer asked, and Mr. Howell answered, that they plan to break ground in the second quarter of 2025 and are planning a 18 month full build out, unless they set aside a portion unfinished for potential clients to buy or rent.
- Reed stated that the next public hearing will be held at the County Commission Meeting on Monday, September 9th.

**Planning Commission & Staff Discussion:**

- Jared Christensen disclosed that he has done business with many of the BZI employees, but will vote.
- Mike Platt noted he has been heavily involved with engineering of the project, but will vote.
- Roger Thomas shared that he has a business relationship with several BZI employees, but will vote.

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

**Motion:** Mark Halterman made a motion to recommend that the County Commission approve the development agreement with BZI Innovation Park, 772 acres as discussed in item #6 on the agenda.

**Second:** Seconded by Vice Chair Cox.

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

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

**Introduction:**

Reed Erickson shared the following:

- Rich Wilson was excused, but he has asked for input on the Parowan Creek Flood Channel.
- There are some issues due to homes existing too close on the north side of the channel within Parowan City limits. This creates a concern about the recommended channel widths and how to achieve those.
- The recommended width is 110 feet in each direction from the center of the channel. Where this is not possible, the width would need to be added to the county side of the channel and the channel moved to create a distance from the houses.
- One option would be for Parowan to annex the properties, but even if that is done, property owners still face the same issues.
- To qualify for funding, the channel will need to be widened and possibly moved in some locations.
- The issue could have been solved 50-100 years ago, but it's harder now. Things change and grow and now this is a problem for all of Parowan. To keep them out of the floodplain, the water has to go somewhere and be managed.
- The other option would be not to proceed based on less than a 100% estimated flow, but then there is risk it would flood during a 100-year flood. Choosing a percentage of estimated flow is the only criteria with any wiggle room.

- Rich's recommendation is to proceed based on Bowen Collins' study. If any other options are considered the numbers would need to be reconfigured.

Comments included:

- Marilyn Wood shared that there is an irrigation pipe that goes down the channel. When the county offered to move it to widen and/or move the channel, the property owners did not want to give up more land than they already had. Former engineer, Steve Platt tried to move it to help and now it continues to be an issue, and for other reasons.
- Vice Chair Cox stated the county needs to move forward, but will need to educate residents and suggested possibly widening the channel to reduce the setback and base it on an estimated flow of 75%.

Reed asked the ICPC members to plan to discuss this further at the next meeting.

## 8. ZONING DISCUSSION FOR THE KANARRAVILLE TIER II AREA

### Introduction:

Reed Erickson reviewed the following:

- The county's Tier II boundaries have been in place since 1995.
- The reason for the suggested changes is because of current and future land uses, municipal boundaries, and zoning, in order to:
  - Match the 2025 General Plan for Tier II
  - Follow the recommendations from the septic tank density studies done in 2005 and in 2023
  - Include planning for potential town and county growth
- For the Kanarraville area, the septic tank density study evaluation indicated:
  - 425 septic systems could exist before it would exceed the threshold of contamination the county is willing to accept.
  - This means the degradation of nitrate can go from a base level of 1.5 up to 3.5 before it is considered contaminated.
  - Using the median recharge numbers, the study indicated we should maintain approximately 12 acres per septic system, so the county adopted a 10 acre requirement per septic.
  - There are 498 existing lots in the study area, but the total number allowed is 425, so the number of lots is already 73 over the limit.
  - The long-term answer is central sewer, but these changes need to be put in place to try to curb the ability for development to exceed what we know is good land use until central sewer is developed.
- One possible solution presented at the last meeting included:
  - Reducing the Tier II area and then to rezone it to R-5. Outside of the Tier II area, rezone to RA-20 where there can be heavier impacts, for example, dairies, pig farms, gravel pits, agricultural products, processing storage, etc.
  - Some of the properties bordering the Tier II boundary would benefit from being moved in or out of the Tier II boundary. Changing the boundary should be based on the current use, the size of the property, and the ownership needs.
  - Rezone smaller parcels to R-5 and the rest to RA-20, within the Tier II area.
- After the discussion at last month's meeting, Reed met with Kanarraville Town mayor and clerks to discuss:
  - Clean up of the boundary where a portion of a lot exists in Kanarraville and a portion exists in the county. Kanarraville was in favor of adjusting the lines to follow property boundaries. Some annexation and some disincorporation would need to be done to accomplish this.
  - Where the Tier II boundary should be, such as having a smaller Tier II area and rezoning some properties to R-5. The benefits of R-5 is that it is the threshold between R-1 and RA-20. R-5 has more uses but not as many as RA-20. Lot size requirements of ten acres might be reduced if property owners use an approved alternate septic system that reduces the nitrate level.

### Planning Commission & Staff Discussion:

Additional comments included:

- Kanarraville's planning commission is reviewing this information at their meeting, also being held tonight.
- Identifying Tier II areas near Kanarraville, but not necessarily connected to Chekshani Cliffs.
- Educating Kanarraville and area property owners on how, or if, the changes would affect them so they don't attend the next ICPC meeting already upset.
- Because zoning is a legislative decision, public notice requirements include posting at two county buildings, on the county website, and the state website.
- Asking Kanarraville Town to help inform residents using word of mouth, A-frame signs in multiple areas around town, and posting a notice at the Kanarraville Town Hall.

- Taking time to work with property owners one-on-one regarding zoning, septic, and building lots when they are ready to develop their property.
- ICPC members determined they all agreed with the proposed changes.
- Kanarrville is happy that the changes will protect them from growing.
- Reed is scheduled to present the proposed changes at Kanarrville Town's board meeting in 2 weeks.
- This item will be added to the next ICPC meeting agenda for a public hearing.

9. **MINUTES**... consider approval of minutes for the August 1, 2024 meetings.

**Motion:** Vice Chair Cox made a motion to approve the August 1, 2024 meeting agenda.

**Second:** Seconded by Mark Halterman

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

10. **STAFF REPORTS**...

A. Building Department

Terry Palmer reported that they are very busy.

B. County Attorney

none

C. Planner & Services Coordinator

Reed shared:

- He has had a couple of requests to have the county create a dark sky ordinance.
- The staff has previously discussed having a dark sky ordinance, but to this point, the county has addressed dark sky lighting in ALUP and CUP's instead.
- The Southwest Planners had a quarterly meeting two weeks ago and Springdale shared that they are nationally recognized for their dark sky ordinance.
- An organization called Dark Sky has a website called darksky.org. They will come and present information regarding regulations.
- He is not interested in trying to regulate it, but there are some good things that the county could consider adding as conditions.

The group discussed:

- Managing dark sky ordinance requirements during the permitting process, and that it is not currently part of the building/zoning process.
- Supporting the idea of dark skies, but being sensitive to farmers and ranchers need for light.
- Doing a moderate approach to dark sky requirements and only require on future, not existing, development.
- The difficulty of monitoring it, pleasing residents who will want to monitor it themselves, and interest groups trying to push it too far.
- The group is agreeable to research and further discuss moderate dark sky lighting options.

11. **ADJOURN**

Vice Chair Cox adjourned the meeting at 7:25 pm.

Minutes Approved October 3, 2024 by the Iron County Planning Commission



10/4/2024

**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 recognize 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

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

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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 Kanarrville 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 12<sup>th</sup>.
- For the past 3-4 months, the staff and planning commission have discussed and evaluated the Kanarrville 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 Kanarrville 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 Kanarrville 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 Kanarrville, 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 Kanarrville.
- Within the new Tier II area, the zones would be changed to R-5 west of Kanarrville 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 Kanarrville 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, Kanarrville Mayor, shared:
  - \* Reed came and talked to Kanarrville 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 Kanarrville and that will be the main topic at their next meeting.
  - \* He doesn’t feel Kanarrville 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 9<sup>th</sup> since there are 5 Thursdays in January?
- The agenda will include a big solar project CUP.

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

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

Erick Cox agreed to chair the January 9<sup>th</sup> 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

2

12/6/2024

**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