

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**January 9, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting Thursday, January 9, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members**

Erick Cox – Vice Chair  
Roger Thomas  
Laine Sutherland  
Mark Halterman  
Jared Christensen  
Mike Platt (arrived at item #8)

**Excused**

Michelle Tullis - Chair

**Staff**

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**

Larry Flick  
Kathy Flick  
James Harker  
Sue Longson  
Paul Longson  
Robert Hauser  
Mary Centro  
Patricia Willes  
Kevin McClellan  
Tyler Bleggi  
Michelle Guymon  
Lorin Steed  
James Davis  
Byron Stubbs  
Logan Waite  
Nina Wosnom  
Morgan Christensen  
Glenn Shober  
Sarah Lindsay  
Joel Klaas  
Kyle Walton  
Charles Dorris, Sr.  
Heber B. White  
Robert Pease  
Kamulet Brown  
Tallie Langford  
Don Lester  
Tyler Seegmiller  
RuLinda Seegmiller  
Rachel Hunt  
Lida Woznicki  
Berk Holm  
Monty Sorensen

**Representing**

Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
InnteleX  
LX Livestock  
Self  
Zion Solar, LLC  
Self  
Self  
Zion Solar  
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Self  
InnteleX, LLC  
LX Livestock

**Others Present**

Nancy Dalton  
Russell Reber  
Shane Linsford  
Kamal Yosufzai  
Mike Bustamante  
Richard Skougard  
Louisa White  
Rosie White  
Dan Knudson  
Stepheni Langford  
Ryan Bauer  
Todd Robinson  
K. Boyles  
Valerie Dobbins  
Dan Dobbins  
Lynnette Rheault  
Rheault Nicole  
David Jessop  
Lynn Heaton  
Kaden Kolb  
Kuini Asuega  
Robert Tuckett  
Megan Kolb  
Blaine Kerr  
Bryant & Silvia Jensen  
Bryce Davis  
Merl Edgel  
Audrey Edgel  
Hudson Duncan  
Susan Ruff  
Warren Ruff  
Alycia Duncan

**Representing**

Paragonah Town Plng. Comm.  
Southern Utah Solar  
Zion Solar, LLC  
Zion Solar, LLC  
Self  
Self  
Self  
Zion Solar, LLC  
Self  
Self  
Paragonah  
Self  
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Midvalley Estates Water  
Self  
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Midvalley Estates  
Self  
Midvalley Estates

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Vice Chair Erick Cox opened the meeting at 5:35pm  
Mark Halterman led the Pledge of Allegiance.

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

Vice-Chair Cox asked for public comments.  
No comments were made.  
Vice-Chair Cox closed the public comments.

**Reed Erickson noted the following:**

There are two Conditional Use Permits on the agenda. A CUP is an allowed use in the zone they are in, which means the permit is reviewed for any adverse impacts, any mitigations determined, and granted by the ICPC if the application meets all the requirements.

**NOTE --** The meeting does not follow agenda order due to applicants arrival times, so the below minutes are in the order they were discussed.

**4. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” Gravel Pit (90.0 Acres)**

**Located near 10709 N Comstock Rd, Cedar City, UT 84721 (APN: E-0631-0000-0000)** *Applicant: Inntelx LLC., c/o Lorin Steed*

**Introduction:**

Reed Erickson shared the following:

- The property is a 90-acre parcel located near Desert Mound and Comstock Road, and surrounded by BLM, SITLA, and private land.
- As shown on the zoning map, all property in that area is zoned industrial. Gravel pits are an allowed use in an industrial zone with a conditional use permit.
- The entrance is off of Comstock Road.
- Utah Iron owns the property, the applicant is Inntelx and Loren Steed is here representing the applicant.
- The area includes overburden and tailing piles from mines in that area that have been sitting there for many years.
- The applicant would like to crush the piles for beneficial use.
- The potential impacts include:
  - Trucks hauling on Comstock road, which is maintained by the county.
  - Noise.
  - Dust.
- Recommended mitigations are:
  - Good separation from adjacent residents.
  - Use of portable toilets.
  - Limit trucks to the hours of 7:00 am to 7:00 pm.
  - Control Dust using hauled water.
  - Additional conditions listed in the CUP.
- The decision regarding approval is administrative and is determined by the ICPC members after the public hearing and after reviewing the findings.

Loren Steed clarified that the applicant will not be using tailings, just overburden.

**Public Hearing:**

Vice-Chair Cox opened the public hearing.  
No comments were made.  
Vice-Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Vice-Chair Cox read the CUP Review and Findings (Section 17.28.050).
- Reed shared that there are no critical lands in this area and the staff reviews the findings to come up with conditions.
- Vice-Chair Cox shared the 14 conditions in the CUP determined by the staff for mitigation.
- Laine Sutherland asked for clarification regarding operating the mine 24 hours per day and the noise associated with that.
- Reed stated that operating hours and noise are mitigated through the county's noise ordinance.
- Vice-Chair Cox clarified the property is not within the protected industrial zone.

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

**Motion:** Mark Halterman made a motion to grant the Conditional Use Permit for the 90-acre property identified in agenda item #4, 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: Erick Cox: aye; Mark Halterman, aye; Roger Thomas, aye; Jared Christensen, aye; Laine Sutherland, aye)

**6. TIER II GENERAL PLAN – “Tier IV to Tier II and Tier II to Tier IV”**

**Unincorporated areas near Parowan and Paragonah.** *Applicant: Iron County*

*(Combined with Agenda Item #7 for explanation and discussion —see details below. No action anticipated at this meeting)*

**7. ZONING MAP AMENDMENT – Located in unincorporated areas near Parowan and Paragonah,**

**Around Paragonah: “A-20, R-1, R-½ to R-5; A-20 to RA-20”**

**Around Parowan: “R-½, A-20, C & LI to R-5; R-½, R-5 & A-20 to RA-20”.** *Applicant: Iron County*

**Introduction for Agenda Items 6 and 7:**

Reed Erickson shared the following:

- Over the past year, the ICPC has reviewed the 2023 Septic Tank Density Study done by the Utah Geological Survey for Kanarraville, Parowan/Paragonah, Summit, and Newcastle.
- The proposed changes to the Tiering System and to Zoning would bring the land management codes up to date to better reflect what was learned during the Septic Tank Density Study.
- The first area discussed was Kanarraville where Tiering and Zoning changes were approved. Tonight the discussion focuses around Parowan and Paragonah.
- Iron County’s simplified tiering system was put in place in 1995 as part of the General Plan.
- The 4 Tiers were designed to regulate growth in the county and help provide infrastructure and services as follows:
  - Tier I – Within the Municipalities, higher density areas.
  - Tier II -- Surrounding the Municipalities, potential growth and annexation areas.
  - Tier III -- Future urbanizing areas or existing areas that are unincorporated, but considered a community, such as Newcastle and Summit. Also, new Tier III areas for new communities if they have 320 acres and are willing to bring in services.
  - Tier IV -- Rural, unincorporated area with no services.
- Iron County developed zoning in 1980, the tiering system in 1995, and the current subdivision ordinance in 2000.
- Municipalities were required, by the state, to estimate their annexation plans in 1995, but the requirements and the plans have changed over the years.
- In approximately 2005, the CICWCD did a ground water study for the Cedar Valley. They determined:
  - No new lot could be created if less than 5 acres so as not to contaminate water coming out of the basin.
  - Contamination in the ground water has happened in Enoch from old wells that were no longer being used.
  - The county should be proactive so contamination does not occur, especially if ground water is a community’s only source of water.
- The 2023, the Septic Density Study found that some areas require a larger lot size than what had previously been required. For example, Kanarraville will now require 10-acre lots moving forward.
- The study included the following information:
  - How many lots existed in the area.
  - How many septic systems already existed in the area.
  - The base level of nitrate.
  - What water was available from recharge to mix with the contaminated sewage effluent going into the ground.
- The data was graphed for each area and shows the allowable nitrate contamination levels suggested by the Utah Geological Survey, which is 1-milliliter per liter more than what the area currently has.
- Since each area’s levels are different, the county is evaluating each area and recommending changes for zoning and tiering specific to that area.
- Parowan and Paragonah are being evaluated together since they are both in the same water basin and Parowan has central sewer.
- Parowan/Paragonah’s current ground water base level nitrate level is 1.76 milligrams per liter. The study indicates that overall the nitrate level should not exceed 3.5. This determines the size of lots and number of septic systems that could be allowed.
- Paragonah’s proposed Tier II boundary is to extend Tier II and to rezone the lots to R-5, which would allow some subdivision.
- Parowan’s proposed changes are to bring the Tier II closer and to change some old Tier II areas from zones A-20 to RA-20.

Reed shared additional information:

- He will be meeting with Paragonah later this month to explain the proposed changes and had previously met with Parowan.

**Public Hearing:**

Vice-Chair Cox opened the public hearing. The following comments were made:

- Kevin McClellan shared that the presentation was very informative.
- Bob Duncan, Midvalley Estates Water Company Manager, stated:
  - There are currently 253 residential hookup to their subdivision’s water system, but they do not manage the sewer system.
  - He stated a report he read shows that the roughly 3 square miles in their area has the highest density of septic tanks per square mile anywhere in the state of Utah.

- He is concerned about development moving towards them and how that will bring issues with ground water.
- He asked how septic tanks could be eliminated.
- Vice-Chair Cox explained that the process of reviewing the septic density study and changing tiering and zoning in septic areas is the way the county is taking action to help the issue.
- Nancy Dalton, Paragonah Planning Commission, requested that Reed attend their planning meeting at the end of the month to discuss the proposed tier and zone changes.
- Reed confirmed he would attend on January 29<sup>th</sup>.

Vice-Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

No additional comments made.

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

**Motion:** Jared Christensen made a motion to suspend any action for both the tiering and zoning changes and bring the item back for the next meeting.

**Second:** Seconded by Mark Halterman.

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

**8. COUNTY CODE AMENDMENT – Ordinance 2025-1 “Small Contractor Shop/Office” for RA-20, R-5 & R-2 zoning districts and “Caretaker Dwelling” in the Industrial, Light Industrial and Commercial zoning districts** Applicant: Iron County

**Introduction and Continued Discussion:**

Reed Erickson shared the following:

- The proposed amendments are to:
  - Add a Small Contractor Shop/Office within the RA-20, R-5 and R-2 zones to facilitate requests and to enforce zoning violations. Currently, the Table of Uses lists a Contractor Shop/Office, which is only allowed in A-20, Commercial, Light Industrial, and Industrial zones.
  - Add a Caretaker Facility to Commercial, Light Industrial, and Commercial zones. Currently, there is nothing for this in the Table of Uses to allow 24/7 onsite monitoring of the business.
- Regarding the Small Contractor Shop/Office, the proposed ‘Standards for Operation’ would be identified by the number of vehicles, equipment, employees, and would include:
  - Off-street parking must be provided for all business and employee vehicles.
  - Business operating hours shall be limited to 7:00 am to 7:00 pm.
  - No business vehicles, trailers or heavy equipment may be stored on the property.
  - All materials/parts/supplies not stored inside a garage or outbuilding must be screened from all adjacent properties (and from the street) by a sight-obscuring fence.
  - The majority of the contractor/business related work is to be performed at the job sites.
  - The shop/office is to be a staging location only so the impact is kept low in the residential areas.

**Planning Commission & Staff Discussion:**

- Vice-Chair Cox shared that he felt the proposed changes were well thought out.
- Roger Thomas asked if it would be too much to specify vehicle warm-up and equipment use would need to be within business hours so employees would not make noise outside of work hours.
- Reed agreed, and noted it would be added.

**Public Hearing:**

Vice-Chair Cox opened the public hearing. The following comments were made

- Robert Hauser expressed concern that this is an allowed use in an A-20 zone. He is against it being allowed in RA-20, R-5 & R-2 because it would disrupt the quiet.
- Larry Flick shared that it sounds like the county wants commercial business in residential areas. He is against it.
- Vice-Chair Cox noted the intent is to make allowances for small business owners.
- Merl Edgel shared that on 2300 West a contractor bought an R-5 lot and now they have a huge, two-story garage, four occupied RV hook-ups instead of the one allowed, and flood lights turn on at 7:00 am, also that he complained to the Iron County inspector and nothing was done.
- Kathy Flick stated commercial does not belong in residential, common sense should be used in development, the county is being destroyed for money, and that nobody is defending their rights as taxpayers.
- Jared Christensen asked and Reed clarified that this change would allow more than what is allowed currently.
- Robert Hauser stated that there is a property in an RA-20 zone that has two shops and that they are running a concrete business out of them.
- Vice-Chair Cox stated that it can be looked into and thanked him for letting the staff know.

- Rachel Hunt shared she wants to make sure there is a separation between personal and business property rights. If a public entity is doing a business, it needs to be regulated. If it is personal property, it is okay to have a personal shop that is not regulated. She is not opposed if they are kept separate.

Vice-Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion (with some public comments):**

- Reed shared:
  - This proposed use is similar to the 'Expanded Home Occupation' use that was added a couple of years ago that also had rules about the number of vehicles, the number of employees, and no retail sales, which gave the county the ability to better regulate it.
  - The Small Contractor Office/Shop gives a start-up business the opportunity to operate without having to buy another piece of property that they may not be able to afford yet.
  - All zoning is a balance of providing opportunities and deciding how to regulate those opportunities.
- Larry Flick stated that he feels the line has to be drawn and having equipment on property and trucks coming and going is over the limit.
- Roger Thomas clarified:
  - The ordinance says the workers come in the morning, gather their stored supplies/tools/equipment, and then go elsewhere to work.
  - That building/zoning would require a building permit and part of that process would have requirements for staging materials behind a screen.
  - For a small shop/office, the county would require a CUP or ALUP with conditions that would include lighting, parking, and other requirements.
- Sue Longson asked and Terry Palmer confirmed that if this is approved, they could regulate existing operations, also, that currently the nuisance ordinance can be used to address any issues.
- Robert Hauser asked and Reed confirmed adjacent property owners would get notices regarding the CUP or ALUP.
- Bryce Davis shared that in RA-20, R-5, and R-2 zones some properties are 100-acre parcels so the size of the parcel should have different restrictions.
- Vice-Chair Cox explained that the lot size could not change the allowed number of equipment and people, but rather it is based on the zoning district.
- Terry Palmer:
  - Asked the public to help by notifying the county of complaints, preferably by email to establish a paper trail.
  - Stated that the county would keep the complainant's information anonymous.
  - Shared there is not enough staff to enforce the rules, but notifying him could help bring people into compliance.
- Rich Wilson stated that small businesses are happening all over the county, that balancing property rights is important, and starting a small shop and buying additional property is difficult so the county is trying to address the small commercial option.

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

**Motion:** Roger Thomas made a motion to recommend to the Iron County Commission to approve the changes in Ordinance 2025-1 on Agenda Item #8.

**Second:** Seconded by Laine Sutherland.

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

Reed shared that this is a recommendation to the County Commission and will be presented Monday, January 13<sup>th</sup> at 10:00 am and will include a public hearing.

Larry Flick asked to make a statement and shared that he doesn't understand how they could vote for this when no one in the audience is for the added use, and that it is not right because he thought "the county worked for us".

**5. ZONE CHANGE APPLICATION – "R-1 to R-1/2 and R4K" (19.22 Acres)**

**Located near 4800 N to 4950 N & 2700 W, Cedar City, UT. (APN: D-0531-0002-0000)**

*Applicant: BCN Real Estate, c/o Platt & Platt Engineering*

**Introduction:**

Mike Platt, Planning Commissioner, declared that he will not be acting as a planning commissioner for this item since his company, Platt and Platt Engineering is representing the developer on this matter.

Reed Erickson shared the following:

- The request is for a zone change for 10 acres off of Midvalley Rd., west of Enoch City from R-1 to R-1/2 and R4K.
- The property is adjacent to R-1 and R-1/2, and to the south, across Midvalley Road, is R4K.
- The proposal being discussed at this meeting is just for a zone change, not a subdivision. The subdivision proposal is not being presented because the staff determined it does not currently fit the county's ordinance, specifically regarding townhouse density.

- The proposed zoning is for the upper portion to be R4K (approximately 5 acres) and the rest R-1/2.
- The developer would prefer the R4K to be closer to road, but the current county ordinance prohibits R4K within 1000 feet of another R4K. In addition, within R4K there is a minimum of 5 acres and maximum of 20 acres.
- The current ordinance was designed this way because the county doesn't want to have high pockets of high density housing or housing projects.
- The ordinance forces the townhomes to be at the north end, but it is not the best design even though it is currently required due to the ordinance's separation requirements.
- The staff feels it is best to re-evaluate the current ordinance to make a change, such as:
  - Rather than just saying they have to be 1000 feet apart, a master planned road like a 75' or 100' ROW could be enough distance between townhomes or R4K.
  - Higher density makes more sense closer to the main road.
- The staff is suggesting to suspend this action tonight to allow the county time to change the ordinance in a way that works better for all such development. The applicant is fine with suspending action until the next meeting.

Reed reviewed the Townhouse Ordinance criteria:

- Townhouses can be built within R4K and R-1/2 zones.
- The idea of the ordinance is not to have a large development with a large number of townhomes, so it is not like a housing project.
- The maximum number of townhomes is 24 dwelling units per cluster and it must be 500 feet away from the next cluster.
- Only 25% of the total base lots in R4K can be townhouse lots. The rest of the lots have to be single family. This allows more variety and gives developers good design regulations.

Reed continued, stating that:

- Two other developers had submitted proposals that were basically large townhouse developments, but that is not the intent of the ordinance.
- The zoning has to be correct before a subdivision can be proposed. The staff recognizes that since this ordinance is new to Iron County, they feel changes need to be made to the ordinance.
- The changes mentioned previously would help clarify R4K requirements so developers could make changes that are better overall.

Roger Thomas disclosed that he does business with the developer that is unrelated to this project.

Reed clarified to the ICPC members that since this was advertised as a public hearing, they could still have the public hearing even if no action is taken at this meeting.

#### **Public Hearing:**

Vice-Chair Cox opened public hearing. The following comments were made:

- Mary Centro stated that zoning was established for a reason, the property is already zoned R-1 and R-1/2, the county is now talking about high density housing, they bought in Midvalley Estates because it is spread out, and that the county needs to always have a public hearing.
- Tyler Bleggi shared that he likes the idea of changing the ordinance. He asked if they could change the whole parcel to R-1/2 instead of adding R4K, and asked if 2700 West could support the additional traffic.
- The staff shared that 2700 West is a 66' ROW, the main entrance and flow for this proposed development is off of Midvalley Road, which is a 100' ROW master planned road, and the subdivision will have 2 required entrances/exits (one off of 2700 West).
- Vice-Chair Cox stated that developers are including R4K because single-family homes are not affordable and they are trying to accommodate more affordable options.
- Bob Tuckett stated he doesn't want townhouses in the area. He asked about sewage, septic tanks, the Peak View sewer lift station, sewer hookups, and poor drainage along 2700 West.
- Lynnette Rheault shared she dislikes townhomes because they are unsightly near farmland, suggested building smaller homes (not townhomes), feels the new residents will complain about noise and smell from farm animals, adding development will bring more schools, fire departments, police stations so farms will be pushed out, and that Midvalley Road won't be able to handle the traffic because events at Three Peaks already cause traffic issues.
- William stated he is totally against townhomes in the area, they have a community that supports each other even when dogs bark and the neighbor's cows get out, and that the developer is only out for money.
- Mike Bustamante stated this is what happened in California and it is starting to happen here, townhouses don't belong, he is on a fixed income and can't afford water if he has to pay more, he built a small home to get away from the city, and that he is concerned about more drivers, especially on winter roads, hitting animals.
- Don Lester stated he doesn't want R4K period. The people here are scared and that is why everyone is opposed.
- Stephanie Langford shared she is adjacent to the property that has animals, she has lived on the property for 30 years and never had issues in the past, she doesn't want this zoned R4K because it is not appropriate for low income housing, there is no infrastructure, no room for cars, boats, ATV's, etc., she is not against growth if it is done slowly and in areas that allow for it, and that she is concerned about crime and safety.

- Rachel Hunt noted that the ICPC previously talked about small businesses and the number of vehicles on 5 acres stating that if there are 24 townhomes on 5 acres, it would be a minimum of 24 cars, that if the ICPC thinks this is okay, they are the wrong board to be representing the people in this area, that she read a study about Dallas-Fort Worth (the #1 growth area in the US) that says townhomes are not affordable because they become rentals and the prices are driven up and become expensive, and that the older homes in these areas are not rented so they go to waste, which ruins the community.
- Kaden Kolb asked why the residents of Midvalley Estates didn't get notice of this public hearing. His mother-in-law did the work to tell property owners. He would like the county to change how people get notices for zoning changes.
- Charles Dorris asked about the water being used, utilities, septic, if these issues were being addressed, and why Midvalley Estates was previously told they could not be on sewer.
- Vice-Chair Cox stated that the water is not private, the utilities will be addressed before the subdivision is approved, and the proposed subdivision will be on central sewer.
- Vice-Chair Cox encouraged Mr. Dorris to contact the staff with questions about sewer.
- Silvia Jensen shared she lives across from the proposed property, she is worried about noise and traffic, she doesn't want townhomes, and that she does understand that the county is trying to do their best.
- Robert Pease asked and Vice-chair Cox explained they are doing soils testing for foundations not perc testing for septic.
- Merl Edgel stated that the bottom line is money, this will increase the tax base, they'll be annexed into Enoch, 2300 West is not safe because everybody speeds, people are afraid of the dark and use their high beams, new people are adding to that problem, where 2300 West meets Midvalley Road it is not a "T" so they will need a stop light or a round-bout, thinks someone will have to die before traffic is addressed, and that townhomes will start off great and then they will degrade the area.
- Steve Holm stated he is newly married and cannot afford to buy a home or a townhome because they are not affordable once they become rentals and the price is marked up. He feels too many people at the table have their hands in this project.
- Lynnette Rheault agreed that townhomes are the same cost as single-family homes so affordable is not the correct word for it.
- Bryant Jensen stated that he thinks the county's attention should be to try to work out the best possible development with the developer and he wants to be notified of the upcoming meetings.
- Vice-Chair Cox explained that this is the first of several meetings they will have the opportunity to attend noting that the adjacent property owners will get the notice.
- Stephani Langford asked why she was the only one to get a notice so she printed off flyers for Midvalley Estates and Rancho Bonita, stated the nearby Bradley Homes subdivision was told by the county they could not have less than 1/4-acre, the lots in the subdivision next to Three Peaks Elementary are under 1/4-acre and they have no place to park their vehicles, and she wants to know when the next meeting will be.
- Bob Tuckett stated that traffic needs to be considered because Lund Hwy is a designated livestock road, Midvalley Road is an ATV road, Three Peaks Recreation brings traffic, and the Oasis venue and the Solar Farm are on Lund Hwy.

Vice-Chair Cox closed the public hearing.

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

Reed explained that if the planning commission chooses to defer action, the next ICPC meeting will be Feb. 6<sup>th</sup>.

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

**Motion:** Laine Sutherland made a motion to suspend the action for the zoning change application until the ICPC meeting on February 6<sup>th</sup>.

**Second:** Seconded by Jared Christensen

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

**Vice-Chair Cox declared a 5-minute recess.**

### **3. CONDITIONAL USE PERMIT APPLICATION – “Solar Power Plant” 300 MW + 300 MW BESS (2200 Acres)**

**Located near Lund Hwy from 6400 N to 9200 N, Cedar City, UT 84721 (APNs: D-0459-0460-0457-01, D-0455-0000-0000, E-0066-0002-0000, E-0461-0000-0000, E-0064-0014-0000, D-0464-0002-0000, D-0465-0000-0000, D-0433-0005-0000, E-0064-0005-0000 & BLM property w/o APNs) Applicant: Zion Solar, LLC., c/o Logan Waite**

#### **Introduction:**

Vice-Chair Cox thanked the applicant for putting together the informative 4-inch thick packet of information the ICPC members were given the previous week to review.

Reed invited those in attendance representing the project to introduce themselves. The applicant representatives included:

- Logan Waite, Nextera Consultant team
- Kyle Walton, Nextera Land Manager
- Shane Linsford, Nextera Developer
- Glen Shober, Lead Project Developer
- Joel Klaas, Nextera

- Kamal Yosufzai, Nextera Project Manager
- Melissa Hockney, Nextera Internal Counsel
- Adrian Vale, McCulloch and Tartan Internal Counsel
- Sarah Lindsay, Nextera Project Manager
- Dan Knudsen, Nextera Engineering and Construction

Reed shared the following regarding the CUP application:

- Representatives for the applicant are in attendance and will answer questions as needed.
- The property is located on the north side of Cedar Valley Acres along Lund Hwy. Nearby are the Three Peaks Solar Project, the Appaloosa I Solar Project, and the approved Appaloosa II Solar Project.
- The applicant's proposal includes 9 parcels with multiple owners.
- Nearby properties include BLM, SITLA, and private property.
- Zoning in the area includes A-20, RA-20, and R-1 in the Cedar Valley Acres Subdivision.
- Traffic routes include hauling equipment along Lund Hwy or along Hwy 130 across Midvalley Road and then north to the property.
- The applicant identified all the properties nearby as the consultation boundary, talked to many of the property owners, and kept track of whom they had contact with. The property owners further away reached out more than those who are closer to the project.
- The application included environmental impacts such as habitat types and environmental assessments.
- The large packet reviewed by the ICPC members shows visually what the project would look like and from various angles/locations.
- The public is invited to come to Reed's office to review the packet. It is very similar to other solar projects throughout the county.
- The challenge in this project is that it is close to residential property including one 80-acre parcel that has residential on three sides.
- The packet includes a preliminary layout with typical 30 foot setbacks, but if the panels are close to residential property, the setback is 100 feet with inverters further away to reduce noise near residences.
- A summary of the project includes:
  - Proposed Use: Solar Power Plant, Electric Transmission Line, Electric Substation, 300-megawatt (mw) project.
  - Potential Impacts: Traffic, Noise, Dust (during construction and traffic) Visual Impact (close proximity to residential)
  - Recommended Mitigation: 100' distance from residences, Noise limitations, Property fencing, Setback and location, Dust control plan, and a Decommissioning plan, along with additional CUP conditions.
  - A BESS (Battery Energy Storage System) is addressed in the CUP - with 1200 mw hours of storage capacity that could be approved with this application.
- With past CUP's, the ICPC has authorized a large project like this to get going even though the final design isn't complete yet. This allows permitting for the project area, but the applicant could propose layout and design changes when a building permit is submitted.
- The final plans for this application will be evaluated during the building permit process and they will show compliance with the 34 CUP conditions to reduce impacts.
- If approved, this allows the applicant to take the next steps to go to design and to work on financial agreements.
- The application has addressed all the ordinance requirements and they have shown it to be in compliance in every way.
- The only pre-meeting concerns expressed have come from neighbors regarding the close proximity, mostly located in the south 80 acres surrounded on three sides by residences.

Shane Linsford (representing the applicant):

- Thanked the ICPC members for reviewing the packet.
- Clarified that in the preliminary plans, the inverters will have double the setbacks.
- The BESS and substation are not adjacent to any residences. They are further northwest in the project boundary.

### **Public Hearing:**

Vice-Chair Cox opened the public hearing. The following comments were made:

- Paul Longson asked where they will tie back into the grid and if the trash from the build will end up in the county landfill.
- Reed explained the tie-in is not on 6600 North and Condition #27 states the applicant must submit a solid waste management plan that the landfill must approve. In most instances the packing is shredded, bailed, and taken away for recycling (not to the county landfill).
- Terry Palmer shared that the last project had minimal deliveries to the landfill because the applicant shredded and reused the materials.
- Sue Longson shared one major concern from the last solar project, which is further north - the workers speeding going to and from work. The speed is 40 mph at Midvalley Road and 50 mph at Cedar Valley Acres. The higher speeds are very dangerous due to wild animals and more residents in the area.
- Sue asked and Terry clarified that normal construction hours are 7:00 am to 7:00 pm and the county will talk to the builder/owners about speed noting that if the issue continues the residents can call the Sheriff.
- Paul Longson shared that he has experience with Nextera and they do have a company safety engineer that can regulate the employees.



- Terry shared that the applicant is very conscious of the traffic concerns and other measures can be taken to help with that.
- Roger Thomas asked and Reed clarified that speed cannot be added to the CUP because it is a public road, and shared that previously the Sheriff's office has brought out flashing speed signs to help with speed along Lund Hwy.
- Paul Longson asked if the applicant could remove the southern 80 acres from the proposed project.
- Patricia Willes is concerned about noise so she is trying to learn more about the noise associated with solar plants. She'd like to know how close the project is to her property because her husband is a war hero and has earned the right for peace and quiet.
- Shane Linsford shared:
  - They are adhering to all Iron County codes for noise.
  - When at the edge of the property line, it sounds like birds chirping.
  - She is not sure if the sound will be all day and night.
  - The panels have a no-glare surface. They are designed for the light to be absorbed and not reflective.
  - The required setback has been doubled for the location of the panels.
- Russ Reber invited Patricia to drive along the existing solar plant to get a better understanding of the noise and glare.
- Rich asked and Reed clarified there will not be an inverter in the small triangle shaped property that crosses Lund Hwy.
- Robert Hauser asked about fire regarding the batteries, storage units, and inverters.
- Vice-Chair Cox shared that he has been a firefighter for the county for 20 years and explained that the fire department is trained on solar plant fires noting that each unit is contained so the fire won't spread.
- Russ Reber added that there is a fire line created around the property and the area is either mowed or sheep graze it every year to keep vegetation down.
- Larry Flick asked for clarification on the setbacks from Lund Hwy, the two sets of wiring already there, and if there will be more wires added.
- Logan Waite shared they will have to have a new set of lines and poles to the substation, but they will be in the easement granted by BLM.
- Shane Linsford shared that they have not settled on an off-taker yet, but benefits come in other ways like tax revenue and job creation.
- Russell Reber shared that the solar project will be a huge county tax benefit since the property was previously in greenbelt. The collected taxes will be going from \$600 per year to over \$150,000 per year. He stated that solar farms are a lot better neighbors than others. He suggested that looking at it as a benefit to have a solar farm as a neighbor that you hardly notice versus waiting for the property to be developed into housing.
- Reed shared that another benefit of these projects is that the cost of local power contributes to having the cheapest in the country.
- Glen Shober agreed and stated that Utah is an energy exporter powerhouse.
- Patricia Willes asked if there is a website that explains property value, impacts, etc.
- Reed explained that you can find whatever you want, both pros and cons online. He offered to send information he received from a previous solar project in Parowan where both sides presented information.
- Monte Sorenson asked and Russ Reber explained that since they have built the solar farms in that area, there is less wandering activity, less trash, less vandalism, and less people on the property. On one clean up, prior to the solar development, it took 32 dumpsters to get rid of all the trash. The only concern is that reseeding hasn't gone that well so the tumbleweeds are bad. Grazing seems to be the best way to keep weeds down.
- Reed shared that the county has found a mix that works well and the weed supervisor will work with them on that.
- James Davis, LX livestock, requested they involve the county extension agent in the reseeding process.
- Rich shared that the extension agent is involved. The county Weeds Supervisor, Amber Hatch, told Rich that there are two seeding options. One is tall grass, the other is short grass, and the time of year to seed each one is different.
- Monte stated that he hopes this project will also help with the domestic dogs in the area that killed nine sheep in one night in his lambing sheds.
- Jared Christensen asked and Reed clarified that the Three Peaks Oasis is not going away. The proposed project wraps around it, but the business still has full ROW access.
- Patricia Willes asked and Shane Linsford responded that the project will take 18-24 months to build and it will possibly begin at the end of 2026.

Vice-Chair Cox closed the public hearing.

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

Roger Thomas asked for clarification on several items in the CUP. Reed explained:

- Conditions #1 and #3 state that the permit time limit is for the duration of the project as long as it is viable. If nothing happens for a period of time, the project is considered terminated. Once the project is complete, the land will revert to the original use. The project may be decommissioned at any time.
- Condition #4 means that tent housing is only allowed in a legally permitted established RV park, not on the project property.

- The applicant must work with the fire department regarding all fire requirements including a Knox Box access. Terry Palmer stated that Conditions #15 & #16 require that applicant work closely with the fire department on what is needed. Roger asked about Condition #14 regarding lighting and Reed clarified that full cutoff light is required, 15-20 lumens. Vice-Chair Cox read the CUP Review & Findings (Section 17.28.050). Reed noted that the applicant has reviewed the conditions and made some adjustments due to legal suggestions. The staff and applicant are comfortable with the CUP requirements and conditions.

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

**Motion:** Roger Thomas made a motion to grant the Conditional Use Permit for the 2200 approximate acres of property on agenda item #3, having found the application to be in compliance with the requirements for Iron County, specifically Section 17.28.050.

**Second:** Seconded by Mike Platt.

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

**9. MINUTES...** consider approval of minutes for the December 5, 2024 meeting.

**Motion:** Mike Platt made a motion to approve the Planning Commission minutes from December 5, 2024.

**Second:** Seconded by Roger Thomas.

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

**10. STAFF REPORTS...**

A. Building Department:

B. County Attorney

None

C. Planner & Development Services Coordinator

None

**11. ADJOURN**

Vice-Chair Cox:

- Stated that he appreciates Roger's comment earlier stating that it is okay to disagree. The staff and commissioners are willing to sit and listen to the disagreements, but when personal attacks and accusations of discrimination are said, that is not okay.
- Adjourned the meeting at 8:40 pm.

Minutes Approved February 6, 2025 by the Iron County Planning Commission



2/7/2025

The Iron County Planning Commission held its regularly scheduled meeting Thursday, February 6, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

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## 1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Tullis opened the meeting at 5:40 pm.  
Erick Cox led the Pledge of Allegiance.

## 2. PUBLIC COMMENTS – Non-Agenda Items

Chair Tullis opened the time up for public comments.

- Sharon Yanez asked if zoning near Hwy 91 would be discussed at this meeting.
- Reed Erickson shared agenda items 3 and 4 will cover this topic.

Chair Tullis closed the public comments.

Chair Tullis explained the process for the meeting:

- Each agenda item will be limited to 30 minutes.
- The public will have 2 minutes per person to speak during the public hearing for each agenda item.
- Speakers should not repeat what others have said.
- Reed Erickson, County Planner, will present the information for each agenda item and he will more than likely address any of your questions or concerns in his presentation. Please pay attention to the presentations as he is giving them.

Reed Erickson shared:

- Each presentation will include an overview of what the item is about and what action is anticipated tonight, whether it is a recommendation or an action, and then the applicant will have an opportunity to fill in any additional information.
- After the presentation, the chair will open the public hearing.
- Once the public hearing is closed, no additional public comments will be allowed.
- The planning commission will then deliberate, ask questions of the applicant, and have dialogue before taking any action.

## 3. TIER II GENERAL PLAN – “Tier IV to Tier II and Tier II to Tier IV”

**Unincorporated areas near Parowan and Paragonah.**

*Applicant: Iron County*

### Introduction:

Reed Erickson shared the following:

- The discussion for agenda items 3 and 4 will be discussed together because they are related, but each item will have action taken separately.
- Zoning ordinances have been in place since 1980. Subdivision ordinances added in 2000, the amended 2005 Iron County General Plan, the updated municipalities' general plans, and the recent Septic Tank density study do not all align and the tiering and zoning needs to be updated due to land use patterns and growth.
- The county has already reviewed and updated these in Kanarraville, is working on Parowan and Paragonah now, and then will work on Summit, Newcastle, Cedar City, and finally Brian Head.
- To clarify the Tiering system and what it allows for:
  - In 1980 when property was zoned each municipality identified areas to be zoned ½ and one acre lots. Next, each municipality was required to create an annexation plan or growth areas. The 1980 municipalities' plans were used to create the 1995 Iron County General Plan, which included the Tiering System.
  - Since then there have not been many changes in the Tiering, but there have been changes in the Zoning. The plans need to be updated.
  - One big factor for change is the septic density studies done in 2005 and 2023. In 2005, the Cedar Valley Study showed that allowing 1 house per 5 acres was acceptable if not on central sewer and has been used countywide since then.
  - Since there are different water basins, a study was done in 2023 specifically for Kanarraville, Parowan/Paragonah, Summit, and Newcastle.
  - The study showed that for Kanarraville, Summit, and Newcastle there needs to be 1 house per 10-acres.
  - For Parowan/Paragonah, it stayed the same at one house per five acres. This means that any division of property in a Tier II area has to be at least 5 acres in Parowan/Paragonah. Any existing legal lot of record, regardless of size, prior to that time, is considered a pre-existing non-conforming lot and is still allowed to have a building permit and get a septic permit.
  - The 4 Tiers are identified as:
    - Tier I—High density within the incorporated area.
    - Tier II—Growth area surrounding the municipalities.
    - Tier III—Areas outside Tier I and II, to develop new communities.
    - Tier IV—Primarily agricultural and industrial, not urban development.
- The Geologic Survey used the mass balance approach, which takes the number of septic systems in an area and the amount of groundwater available that will mix and dilute the nitrates. The process included:
  - Testing the wells to identify the current nitrate level.
  - Identifying the types of soil in the area.
  - Determining what the base nitrate level is.
  - Determining how much more contamination can occur before the nitrate level is unsafe.

- Identifying the number of septic systems already in the area.
- Determining the total number of septic systems that can be allowed in the area.
- Identifying the number of lots already in the area.
- Calculating the allowed minus the existing septic systems to find out how many more can be allowed.
- The county residents cannot afford to contaminate the groundwater (our drinking water) so the study determined what would be appropriate and the proposed Tiering and Zoning Changes will be one of the ways to manage it.
- In Parowan/Paragonah, the study showed the nitrate level needs to be 3.5 milligrams per liter or less. This would allow 800 septic systems total. There are currently 329 septic systems, which leaves 471 that could be added within the study area.
- Regarding Paragonah:
  - The current Tier II (annexation area) is slightly smaller than the proposed area.
  - The resident's desire is to limit growth, due to a limited water supply. The county understands and has considered growth and water supply when reviewing possible changes.
  - For Tier II, the county is proposing to move the boundary out and adjust the zoning from A-20 to R-5.
    - This will allow property owners more options for splitting their property as they follow subdivision regulations for infrastructure.
    - The county recognizes that when there is an existing use in a zone that is not allowed due to the zone change, they will be grandfathered in until they voluntarily stop that use for a year, then it will go to the updated zoning allowances.
  - For Tier III, the county proposes a buffer area surrounding Tier II identified as Rural Agriculture:
    - This new zone was created after the original zoning and tiering were done and is known as Residential Agriculture 20 (RA-20).
    - Adding this tiering and zoning around Tier II removes the heavy impact that Agriculture 20 (A-20) could have because A-20 allows industrial agriculture and RA-20 does not.
- Regarding Parowan:
  - The philosophy is somewhat different because there has been more growth in Parowan in the A-20 zoning since 1995.
  - Parowan has a larger annexation area so reducing the Tier II area and changing zoning will help manage the growth.
  - There are areas further out with 1-acre and ½-acre zoning that cannot be subdivided at that density due to the septic requirements.
  - These changes keep higher density closer to the municipality and help to avoid having county subdivisions as islands within a municipality because they don't want to annex unless the subdivisions are built to the municipalities' own standards.
  - For Tier II, the county is proposing to move the Tier II boundary closer and change the zoning from R-1 and R-1/2 to R-5.
  - For Tier III, the county is proposing to identify the area outside the new Tier II boundary to the old Tier II boundary as Tier IV and to zone it RA-20 with the exception of some light industrial and commercial lots that are already in use.
- After meetings with both Paragonah and Parowan's Planning Commissions, they are generally in favor of these changes.

#### **Public Hearing:**

Chair Tullis opened the public hearing and read the considerations the audience should follow. The following comments were made:

- Sharon Yanez asked for clarification on Old Hwy 91 between Parowan and Summit regarding Tier IV, current zoning, and the difference between R-5 and RA-20.
- Reed responded that these change will help clarify the land uses. The areas next to Red Canyon Estates is within Tier IV so with these changes, it cannot be developed down or split less than 20 acres. The differences of R-5 and RA-20 are:
  - R-5 would allow for residential 5-acre, 1 house and one guesthouse (two total), and some animals.
  - RA-20 will allow 1 house and three guesthouses (4 total), additional agricultural uses such as higher animal numbers and other uses, but would not allow industrial type agricultural uses, which are not compatible with residential development.
- Sharon expressed concerns about locating zoning information on the website, keeping it updated, and asked why all property owners were not notified of the proposed changes.
- Reed explained the county is behind on zoning updates on the website and changing the general plan is broad and far reaching so notifying all property owners is a challenge. He shared that Utah law gives the county two options for notification; to post in area of designation or to send letters to subject property owners. For general plan changes and large zoning changes, the county has chosen to post in the area, which has been effective. Also, the notices are posted on the state and county websites.
- Tom Jett stated that he has no interest in Parowan/Paragonah zoning, but suggests the county be careful when increasing of lot sizes. This will drive up the cost of homes and our children won't be able to afford land. He is not suggesting tiny lots, but larger lots will not be affordable.
- Michelle Portolese asked and Reed explained that A-20 zoned lots cannot be split into four lots, but four house can exist on the property. This has been in place for a long time and it doesn't happen often due to mortgage limitations. Since the density is one septic for five acres on a 20-acre lot, it does not exceed the density for the septic, but does provide opportunity for additional houses if approved by the health department and DEQ to have one large septic or four small septic systems.
- Julorie Davidson Galloway asked for clarification regarding Paragonah areas going from Tier IV to Tier II, the acreage going from 20 to 5, what potential growth this would be, how many lots this could be divided into, and who pays for infrastructure when property is split and sold off. She noted that Paragonah does not want growth.
- Ashley Haderlie shared concerns about high-density housing, loosing green space, overcrowded schools, taxes going up, developers' responsibility for improvement costs, and what is being done now to preserve those places.

**Close Public Hearing:**

Chair Tullis closed the Public Hearing

**Planning Commission & Staff Discussion:**

Chair Tullis asked Reed to address the questions heard during the public hearing.

Reed Erickson explained:

- Preserving agricultural properties is addressed in the county subdivision ordinance and land uses. The county previously proposed two options: 1) To transfer development rights to move a density from one location to another location that has a higher density so those lands can be preserved, and 2) Tax residents to pay for the land and to preserve it. Neither option was very well received. If a community feels that it is a priority, they can propose taxes and have those preserved. The county shouldn't try to tell a property owner they have to farm forever. The county has looked at different ways to save water so that it could stay in agriculture, but it takes money and no one is willing to have an impact fee that drives the price of houses even higher.
- Regarding Tier II lots in Paragonah, majority large number of the lots are already less than 10 acres, so they could not be divided. If the largest lot in the area, which is 40 acres, is divided into 5-acre lots, and every lot that was over 10 acres is divided into two lots, it would be about 40 to 50 lots. On each side of Old Hwy 91, there is about 12 to 15 parcels that could actually be split (two are 20 acres and two are 40 acres). This is not a huge impact and it would not all be done at the same time.
- Regarding infrastructure, the developer will be required to pay for roads, water, hydrants, etc. to develop their property. The Paragonah residents would not pay for that.
- Regarding schools, the county will continue to grow and we want to manage growth responsibly to protect ground water and infrastructure and to utilize the infrastructure so that it can be more affordable.
- Ashley Haderlie asked if the developer is required to help financially with schools and parks in the area.
- Terry Palmer stated that it depends on the area. Some subdivisions require parks, but we do not have a school impact fee. The school district is a separate taxing entity and the majority of your taxes go to schools. The more houses built, the more property taxes, in theory, goes to schools.
- The next public hearing for this agenda item is at the County Commission Meeting on Monday, February 10<sup>th</sup>.

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

**Motion:** Roger Thomas made a motion to recommend to the County Commission to amend Tier IV to Tier II and Tier II to Tier IV of the unincorporated areas near Paragonah and Parowan as stated in Agenda Item #3, and as discussed.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Michelle Tullis, Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Laine Sutherland, aye; Mike Plat, aye)

Reed Erickson reminded everyone of the public hearing to be held on February 10<sup>th</sup> at the County Commission Meeting and explained that the ICPC members and County Commissioners have discussed this topic at their meetings in December and January so they have reviewed the information fully.

**4. ZONING MAP AMENDMENT – Located in unincorporated areas near Parowan and Paragonah**

**Around Paragonah: “A-20, R-1, R-½ to R-5; A-20 to RA-20” and Around Parowan: “R-½, A-20, C & LI to R-5; R-½, R-5 & A-20 to RA-20”**

*Applicant: Iron County*

**Introduction:**

Reed Erickson explained that the majority of the zoning issues were discussed with Agenda Item #3. He reviewed the existing zoning boundaries versus the proposed changes.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed reminded the ICPC members of the Evaluation Considerations for Re-Zoning Property. All of the considerations have been reviewed over the last several months. Zoning and the Tier changes are a legislative decision so the planning commission recommends this to the county commission for final approval.
- Roger Thomas clarified that the changes will bring the zoning into alignment with the tier changes just approved, the reason for the changes are due to the results of the septic density study, and that properties zoned R-1 cannot build due to the 5-acre minimum required for septic.

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

**Motion:** Roger Thomas made a motion to recommendation to approve the zoning map amendments around Paragonah from A-20, R-1, R-1/2 to R-5 and from A-20 to RA20 and around Parowan from R-1/2, A-20, C & LI to R-5 and from R-1/2, R-5 & A-20 to RA-20 in accordance with agenda item #4.

**Second:** Seconded by Erick Cox.

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

Erick Cox shared that the staff and ICPC members have spent a year talking about this, and this is their best effort to plan ahead for all of the people involved to help them help themselves to prevent water from being contaminated and to identify the things that were not being addressed previously.

## 5. COUNTY CODE AMENDMENT – Ordinance 2025-2 “Amending Section 17.36.320, General Requirements” (regarding separation distances associated with the R4K zoning district).

*Applicant: Iron County*

### Introduction:

Reed Erickson shared the following:

- The proposed changes to Ordinance 2025-2 that were discussed as the last meeting would still follow the intent to not have large concentration of housing projects or townhomes in one area, but R4K (Residential 4,000 square foot lots) would allow for more affordable housing opportunities.
- The idea is to consider changing the R4K zone separation distance requirements between high-density housing developments.
- When the R4K zone was adopted in 2021, the requirement was to have 1,000 feet of separation between another R4K zone.
- The proposed plans for Agenda item # 6 of this agenda were affected because townhomes would have to be in the back of the subdivision to meet the 1,000-foot requirement. This prompted the discussion to review the R4K requirements.
- This proposed ordinance change attempts to separate townhouses from other townhouse developments in R4K zones and other R-1/2 zones.
- When writing ordinances and laws, it is difficult to think of every single scenario. When R4K was added, this scenario was not considered.
- The county has had several request for townhomes and many were not approved due to the current ordinance, which reads any R4K development has to be separated by 1,000 feet from another R4K zoned property. In addition, there are 8 more requirements for R4K.
- Smaller lots are more affordable in part because the infrastructure is less expensive to create. Typically, these developments are close to existing infrastructure.
- The 5-acre minimum and 20-acre maximum is designed so that an HOA can monitor the number of units allowed to be rented.
- So far, the county only has one R4K development. All are single-family lots with an HOA, additional parking, a park, etc.
- In the R4K zone, the requirement is to only have a 24-townhouse cluster every 500 feet. This info is online on the county website under ordinances.
- The proposed change requires a R4K development with single-family lots to be separated by 500 feet from the next R4k or across a major 75' to 100' road if they are not townhouse lots.

Roger Thomas noted:

- The setback is 500 or 1000 feet if on the same side of road, but if on the other side of the road, it is a 75 foot ROW or greater and must be single family units only.
- If the lots are townhomes, they have to be 1000 feet apart whether on the same side of the road or not.
- These requirements are managed by the staff and building department when the subdivision plan is reviewed.
- The first subdivision plans to be approved determines what future developments in the area are required to do.
- The only way an approved subdivision can be amended is if it is approved by the county.

### Public Hearing

Chair Tullis opened the public hearing and reminded everyone to stand to be recognized, state your name for the record, direct comments to the Planning Commission or the Chair, speak loudly and concisely and try not to repeat previous comments.

Reed Erickson clarified that this is a public hearing just for the ordinance change. There will be another public hearing for the project proposal and zone change.

The following comments were made:

- Rachel Hunt stated that single family homes in R4K are the same size townhome lots (4,000 sf or 1/10-acre), high density housing in Cedar City have parking issues, a 75' street doesn't help with high-density problems, 1000' between is not enough, and the changes are being made for the developer.
- Chair Tullis asked that comments not be derogatory and stated the comment period will be shut down if it continues.
- Reed explained that this ordinance change will affect the next agenda item.
- Travis Brunson asked for clarification on what areas in the unincorporated area are being turned into high density and asked how many additional people does that mean, will it go to Three Peaks, how will it affect infrastructure and roads/traffic, what safeguards are in place for those already living there. He stated traffic is already high and that cities should have high-density not the county.
- Reed explained that this zoning change cannot be implemented all over the county due to infrastructure not existing everywhere. This option is available for consideration for those areas that can meet the criteria. The R4K ordinance is not a new ordinance and has been in place for 5 years. This is not the first R4K development.
- Bob Beauchamp asked if the developers are required to share water, if the people here (county staff or ICPC) are profiting from any of these R4K, and who the developer is and where they are from.
- Reed explained that they have to be on the central water system (not wells) that is provided by the Water Conservancy District just like any other subdivision. CICWCD has a formula to determine what is required for water rights. The developer will have to bring pre-1935 water rights to the CICWCD before they can get connected.
- Don Lester clarified there is only one other R4K in the county currently and stated the concept of R4K shouldn't be allowed.
- Roger Thomas asked and Reed clarified that R4K is allowed in Tier II only, not Tier IV and must have central water and sewer.
- Tyler Bleggi asked and Reed explained that Tier II is the expansion area for municipalities, but they are not required to annex unless they are adjacent to the town. If the property is not continuous to the municipality, they cannot annex. The county encourages annexation wherever

possible, but there are areas outside of the immediately adjacent properties that are eligible for R4K in Tier II. Reed shared the Tier II map for the Cedar/Enoch area and told the group how to find the information online.

- Chelsea Boxwell stated that Paragonah, for example, doesn't have a sewer system so can't have R4K in Tier II until sewer is available.
- Eric Atkin asked and Reed explained that this ordinance is being presented by the county not the developer. The change would make the proposed development eligible and it will also help future R4K development proposals noting that the current proposal has changed and will be discussed in the next agenda item. The staff has reviewed the R4K ordinance and determined that as it is currently written it does not do what was intended in R4K, which is to provide opportunities for smaller lots and affordability. The state legislature mandated that each municipality and county have an affordable house plan, including higher density developments. The county is still trying to figure out how to do that just like everyone else. This change is intended to improve this ordinance and make options available that make sense for the opportunities of the R4K.
- Rosie White asked and Reed explained that this change does not allow any developer to change their property into only townhomes.
- Dave Langford shared concerns about how this will affect livestock and shared roads.
- Reed explained that it would not change allowed uses for animals.
- Rich Wilson shared that the county commission recognized all stock trails last year and formally adopted them.
- Robert Houser asked and Reed clarified that the state mandate does require the county to have a plan, but does not specify how they are to provide affordable housing.
- Berta MacGregor asked that when the staff or planning commissioners speak, to identify themselves.
- Eric Cox asked to read from the zoning ordinance. "No amendments to the land use management code may be recommended for approval by the Planning Commission, nor approved by the County Commission unless such amendment or conditions thereto are consistent with the general plan."
- Eric Atkin asked how this is consistent with the general plan's vision statement and zoning goals, which includes maintaining the rural nature of county property. Also, stating that the mandate is not binding, the ordinance should not change to accommodate one application, and he wants the commission to adhere to the vision of the general plan, adhere to the goals of the zoning ordinance, and not amend it other than for uses that are compatible with those goals and needs.
- Terry Palmer explained that the state could site the county for not having a modern income housing plan.
- Reed explained the ordinance was created several years ago and now this proposal is to modify the ordinance. The general plan calls for a variety of housing types and options. Ordinance 205 exhibits a, b, and c all deal with higher densities in Tier II and housing options with a variety of housing types and was adopted in 2005.
- David Bott asked and Reed clarified that the ordinance change does not affect if they can build, it just changes the location of the townhomes.
- Todd Brown asked for information regarding the plans for infrastructure for the R4K including the traffic on Midvalley Road.
- Rich Wilson explained that tax dollars would give opportunity for a third lane on Midvalley road, but taxpayers don't want taxes raised so roads are not improved. The county does require the developer to create infrastructure such as roadway turn pockets.
- Bob Tuckett asked and Rich explained that the county was granted \$600,000 to do a safe streets study throughout all of Iron County. The consultant is identifying problem areas using traffic counts, accident reports, etc. and will propose solutions.
- Reed shared that there is a link on the county website to give input, the goal is to have zero fatalities by 2040, and the county will work on the worst areas first.
- Don Lester asked and Reed explained that the planning commission does not have the power to stop an application for subdivision, but they could deny the zone change. Once the zone is changed, they cannot deny a subdivision if it meets the county ordinance standards. This agenda item is not about zone changes, it is about amending the county ordinance.
- Tom Richsteig asked if the zone change is approved, and then the property across the street is rezoned to R4K, what is to stop the county from approving zoning all the way to Lund Hwy. He stated that he wants the county commission to prioritize road improvements and he is tired of being crowded out.

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

- Chair Tullis closed the Public Hearing

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

- Roger Thomas asked and Reed clarified that R4K zoning must be at least 5 acres and maximum of 20 acres. Of that, 25% can be townhomes and the rest is single family. A development is not going to be hundreds of acres of townhouses.
- Erick Cox stated that the lots can be anywhere from 4000 square feet up to 1/2 acre, or larger. He shared that he appreciates Reed's efforts to work on this ordinance change. When a new type of project is introduced, it has to be looked at it after the first time and make it better. He also researched online to find other R4k ordinances throughout the country and did not find anything better.
- Mike Platt declared that he will abstain from voting due to his profession and continually being asked to design to these standards.

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

**Motion:** Erick made a motion to recommend to the County Commission that Ordinance 2025-2 amending Section 17.36.320 general requirements, regarding separation distances associated with the R4K zoning district as identified in agenda item #5, be approved.

**Second:** Seconded by Mark Halterman.

Roger Thomas asked and Reed clarified that the amendments to this ordinance, whether approved or not, do not limit whether future R4K projects are viable. The proposed changes work for both R4K zones and townhouses separately. This change allows more latitude of where townhouses within the R4K zone can be placed in relation to other R4K zones nearby.



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

## **6. ZONE CHANGE APPLICATION – “R-1 to R-½ and R4K” (19.22 Acres)**

**Located near 4800 N to 4950 N & 2700 W, Cedar City, UT. (APN: D-0531-0002-0000)**

*Applicant: BCN Real Estate, c/o Platt & Platt Engineering*

### **Introduction:**

Reed Erickson shared the following:

- This is an application for a rezone, not the subdivision.
- At last month's meeting the applicant requested to rezone the top five acres to R4K and rest to R-1/2. This time, if this ordinance is approved by the county commission, they want to rezone the entire 19.22 acres to R4K.
- They are proposing that within the R4K zone, they would do ½-acre lots along the west side along 2700 W and across the north end, and the remaining lots as 10,000 square feet.
- The R4K zone allows larger than 4,000 square foot lots, so even though they want to rezone R4K, their plan is to keep the lots larger and not have any townhomes.
- This agenda item is not to consider the subdivision proposal, just the zone change to R4K. The subdivision was shown just for reference.
- The next step would be to submit the development/subdivision proposal.

Michelle Tullis clarified the applicant's preliminary plan shows the smallest lot would be 10,000 square feet, not 4,000.

Roger Thomas clarified that the subdivision layout is being shown just to show how it would conform to the R4K ordinance change.

Reed stated that the services available to this property include water from CICWCD, sewer from Cedar City central sewer, power, gas, communications, and drainage/flood provisions with retention basins and curb/gutter.

Roger asked and Rich clarified that Midvalley Road can handle more traffic according to the Federal Hwy Administration's capacity for a two-lane 100-foot ROW. The county will always be chasing infrastructure due to funds available so some improvements can be made if needed.

Erick Cox shared that as he travels home from along Hwy 56 and tries to turn left at Westview Dr., he has to sometimes wait through five light changes and it is a five-lane road. Also, noting that the county and planning commission have worked on a master transportation plan for the past two years to help with traffic flow. The plan is available on the county website under the GIS mapping section.

Bob Tuckett stated that Sage Meadows Subdivision is putting in a lift station for sewage and asked if the new development will have to do that as well, and if surrounding neighbors that are currently septic can hook into the system. He also asked about drainage on 2700 W.

Rich stated sewer is coming next door, but the developer won't be paying for the neighbors to hook in. Since Iron County does not have jurisdiction over sewer, he suggested Bob call Cedar City to ask what can be done. He explained that the developer will be adding retention ponds to help with drainage issues on 2700 W.

### **Public Hearing:**

Chair Tullis opened the public hearing stating there will be 30 minutes for comments, two minutes per person. The following comments were made:

- Robert Hauser asked and Reed clarified the developer in not getting any kind of fees or reimbursements back from the state for this kind of development.
- Randy Clark asked if the applicant is asking for a zoning change based on a tentative plat map, can the plat map be changed. He feels the developer should pay for improvements such as turning lanes and the additional 1000 feet to improve sewer. With the zone change, the developer will get four more units per lot than he had when it was purchased. The cost is cut more than half and increases his income.
- Reed explained that after a zoning change approval, they can come back with different plans, but they will be reviewed for compliance and must be approved by the planning commission.
- Mark Crandall asked what future plans are being made and how many addresses exist in 1000 feet in this zone. He estimated 250.
- The staff discussed the number and noted it would be less - more like 20 to 25.
- Rich explained the sewer upsize fee is paid by the taxpayers and the county cannot make the developer pay for more than they are going to use.
- Reed shared that when the county recognizes infrastructure is needed, they try to plan for it and use impact fees to cover costs. For example, when Westview Drive needed an 8-inch sewer line, the developer paid to oversize the line and then they recouped the costs when impact fees were collected from property owners in that development.
- Julorie Davidson asked if the developer is going to pay for a traffic study, infrastructure, impacts on schools, emergency, and if this will cause tax increases for the residents in the general area. She stated she doesn't want growth and asked the commissioners to listen to their constituents.
- Rachel Hunt stating they have provided 200 plus signatures saying no to R4K development.
- Tyler Bleggi stated that the new plan is not as bad as last month, but asked if the zone change can be passed with restrictions that would keep it to something like this, so it can't change later.
- Reed stated that the simple answer is no because it would be called contract zoning. When a subdivision development is proposed and issues identified, those issues can be resolved through a development agreement. The planning commissioners have the ability to approve the subdivision in accordance with the ordinance, but they don't have the ability to zone conditionally.
- Erick Cox reminded the public of the 10 evaluation items that were talked about at the beginning.
- Travis Brunson stated he feels the county is playing twister so a developer can develop, that the road is not great, and that the surrounding community is paying for the development where residents don't want it.
- Bob Tuckett asked and Terry Palmer explained that the ½-acre lots would not be allowed a second guesthouse in an R4K zone.

- David Bott recognized there is no stopping this, but has concerns about safety and traffic on 2700 W.
- Chair Tullis clarified that when they submit their development plan, those things will be looked at as far as number of accesses, safety, and fire code requirements.
- Steven Langford shared that he moved to the county because it was affordable with dirt roads, private wells, and private septic and now the county is allowing high-density unaffordable housing, taking private well rights, and then there will be large drilling companies come in that take control of water. He is against R4K that is already in the rural county area.
- Eric Atkin stated that everything is being done to pass this, but he wants it denied so they have to develop in the R-1 zone because it fits with what is already there.

**Close Public Hearing:**

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Roger asked to look at the General Plan and the Tiering System noting that Tier II is already established as a higher density growth area of the adjacent municipality. From a county point of view, having these types of high-density developments is really the only place that makes sense. Neither Enoch nor Cedar City has this in their annexation areas, but because of infrastructure, it is in Tier II and is being considered.
- Roger noted that the CICWCD has had water up Midvalley Road for quite some time and the homeowner or developer has to bring shares and pay a water impact fee based on market value.
- Terry Palmer noted that there are not private water rights; the State of Utah regulates the water rights.
- Rich stated that no one is forced to sell water rights, but people are choosing to sell. A person has a right to develop their property and the neighboring property owners are asking the county not to allow that. The planning commission has to look at property rights. They are very strong proponents for these rights and understand that it does impact other properties. That is the nature of property being sold. Our rules are here to address concerns and mitigate them.
- Roger noted that if the zone change goes through, the developer would submit plans, the staff and planning commission would review and communicate those concerns to the developer. In accordance with the county general plan, the property has been designated Tier II for many years and previously the county determined this is a good plan noting that additional houses will not be allowed because it's in R4K.
- Mike Platt declared that he will abstain from voting on this agenda item for previously stated reasons.

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

**Motion:** Roger made a motion to recommend approval to the County Commission the zone change application from R-1 to R4K, the 19.22 acres for agenda item #6.

**Second:** Seconded by Mark Halterman

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

**7. ZONE CHANGE APPLICATION – “A-20 to LI” (269.28 Acres)**

**Located near SR 56 to 600 N and 6100 W to 6900 W, Cedar City, UT.**

*Applicant: Diamond S Holdings, c/o Thomas Harker*

**Introduction:**

Reed Erickson shared the following:

- The property is located off of Hwy 56 west of Cedar City between Hwy 56 to 600 N and then between 6100 W to 6900 W.
- Nearby property was rezoned to Light Industrial a couple of years ago and the rest is zoned A-20.
- The Cedar City land use plan shows this area is not in Tier II, but is in Cedar City's annexation policy plan. This property is prescribed to be low-density, rural estate homes, which are two units per acre for residential.
- The county has already rezoned some area more north as Light Industrial, which does not match Cedar City's future land use plan.
- The applicant has proposed this zone change from A-20 to Light Industrial.
- The county is still evaluating if they are close enough to tie onto the sewer.
- The property does tie into the water conservancy district water.
- Dallas Buckner, with Go Civil, representing the applicant stated that this proposal is filling in a gap where Light Industrial already exists.

**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 for re-zoning regarding water, sewer, fire flows, fire suppression, and transportation corridors. He noted that the property does have a road to the south and west that ties in at 200 S for transportation; infrastructure is in place, draining will be handled onsite.
- Roger asked and Reed clarified that the property is in the Tier IV area and in Cedar City's annexation declaration area. Currently this is not eligible for annexation because it is not contiguous to Cedar City at this time. When the other Light Industrial was re-zoned, he approached Cedar City and they didn't want to annex due to water and sewer availability. This is the same situation.
- Reed shared that the sewer will depend on what their final plans will be. They have the option to create a smaller number of lots and not tie to sewer, but if they have more lots or smaller lots, they will have to run sewer. The applicant is evaluating their options.

- Roger asked and Dallas Buckner explained that the impact on the infrastructure is coming from Frank Nichols Silver Hills development off of Iron Springs and the Lakeside Subdivision along 200 S. The applicant is looking at five-acre lots with septic.
- Reed shared that this property has been included as an economic opportunity zone and is within the Inland Port boundary area for industrial development.

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

**Motion:** Mark Halterman made a motion to the County Commission that the zone change from A-20 to Light Industrial for Agenda item #7 be approved.

**Second:** Seconded by Erick Cox.

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

**8. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” Pozzolan Mining (200 Acres)**

**Located near 12000 N Modena Canyon Road, Modena, UT (BLM Property)**

*Applicant: Progressive Contracting Inc., c/o Randy Clark or Russell Limb*

**Introduction:**

Reed Erickson shared the following:

- This is a CUP application, so it is evaluated differently than the previous agenda items because this is an administration decision, which is limited in discretion. This is an allowed use in the zoning district so the purpose of review is to evaluate impacts and suggest how to mitigate those impacts.
- The draft CUP has 14 conditions that deal with traffic, road, etc.
- The property is located northwest of Modena, nine miles on Modena Canyon Road (also known as Hamlin Valley Rd) on BLM property.
- The purpose of the applicant is to mine pozzolan.
- Russel Limb, Randy Clark, and Brian Smith are in attendance to answer questions.
- Pozzolan is being mined currently as a source to replace potash due to the closing of coal fired power plants.
- BLM is currently doing their NEPA evaluation of the permit application.
- The mining is regulated by the Utah Division of Oil, Gas, and Mining (OGM). The applicant has submitted an application, received a permit for exploration, and it has been determined that it is a viable resource.
- Once the resource was found viable, the applicant applied to the State for a mining permit and also to the county for a CUP for a small surface mine operation on approximately 20 acres or less, which is part a larger 200-acre lease.
- The proposed CUP is for 20 years so they can move the mine across the 200 acres and not have to keep coming back to the county. This is conditional on receiving the permit from BLM and Utah OGM.
- The property is surrounded by A-20 zoning with some mines further to the west and north.
- Some concerns are driving up Modena Canyon Road, the steep canyon, the thick juniper, and the unique geological formations. Those formations would be preserved and the applicant has no intention of mining there.
- There are several layers to this project involving BLM, Utah OGM, and the county. The county's role is to make sure the applicant is complying with all of those governing agencies.
- The CUP addresses other things beyond the governmental agencies such as road conditions, preserving any of the natural features, and visual impacts from the travel way.
- The ICPC members were given a copy of the Memo of Understanding (MOU) between PCI and Iron County to improve the road from Hwy 56 through to the project property (approx. nine miles).
- The people north of the project are concerned about impacts. It is anticipated that the road will be better built, better maintained, wider, and safer once improved.
- Bruce Anderson (Roads Supervisor) and Rich Wilson (County Engineer) have been out there and evaluated what the road needs are for hauling large trucks and those concerns were addressed through the MOU approved by the County Commission in December.
- To preserve the view and visual impact the CUP requires a 200-foot setback as a no disturbance area, which puts it on the ridgeline so the mine could not be seen from the road. The CUP reads a 200-foot setback off of the road until you get 600 feet south of the north project boundary line, at which time it would be a 100 feet back from the edge of the formations. That is a lot more than 200 feet from the road. It is about 400 to 500 feet back off the road. The majority of the rock formations are above the north side of the project boundary so they are not considered within this CUP.
- The entrance road to project property would be up the canyon to the east of the main road with approximately 10-20 trucks per day.
- If the applicant wants to expand further east, and they want to use the road or entrance differently, they would have to come back and amend the CUP, if they go beyond current plans.
- Hauled water would be used for dust control on the road and in the mining operation.
- Potential impacts include traffic, dust, and visual impacts.
- The recommended mitigations include the road maintenance MOU, separation/setback from Modena Canyon road and formations, property identification marker/fencing, setbacks and location of site facilities, dust control plan, decommissioning plan, and other CUP conditions.
- Brian Smith, applicant, shared the following about Pozzolan:
  - It is an environmental friendly initiative to replace cement powder in concrete manufacturing.
  - Has been used for over 2000 years by the Romans in Europe.
  - Does not require high temperature processing that limestone requires to produce cement powder.

- Results are a net decrease in the carbon and sulfur nitrogen emissions and the gas emissions from manufacturing cement powder.
- Is a very important commodity for the future of concrete manufacturing.
- Is a green replacement for cement powder and is ultimately beneficial to the environment.
- Additionally, Brian stated:
  - This is a small 20-acre mine so the deposit or footprint will not be over 20 acres.
  - They will reclaim, reseed and re-contour the land as they go so the visual impact is minimal.
- Reed clarified that the 20-acre is limited to the current bond with Utah OGM and they cannot begin until BLM has completed NEPA. The applicant will have to reclaim the land before the bond will be released and applied to the next 20 acres.
- Roger Thomas asked Reed to remove the word “not” in the CUP item #4 mining practices, to correct item #8 to show the plan of reclamation would be reviewed by the county, but needs to be approved by Utah OGM, to clarify the property identification versus fencing, to clarify the work hours, and to discuss the lighting requirements.
- Reed stated that he would correct items #4 & #8, and responded that fencing is not required, but signing or marking the border of the mining area is required, that working hours are 7am to 7pm, and noted that lighting requirements such as from generators only or night sky language could be added.
- Roger asked and Russell Limb replied that they plan to only having lighting where they are working and it will faced downward. Reed will add night sky maintenance.
- Russell Limb stated that they do not want to limit the number of trucks to 20 so he proposed 30-40 trucks per day, potentially. They plan to improve the road to handle the capacity.
- Reed stated that the 20 trucks per day came from the application and any change would need to be reflected in the CUP.
- Laine asked and Russell explained the trucks will be traveling to the train tracks and into Cedar City. They are hoping for a spur on the tracks just north of the overpass near Modena, at some point.

#### **Public Hearing:**

Chair Tullis opened the public hearing and asked the public to follow the considerations listed on the screen. The following comments were made:

- Ann Thorley Terry shared there is an historic cemetery, with soldiers graves, nine miles north of Modena and is concerned about the traffic hindering access to it.
- Russell Limb explained they plan to have only one to two trucks on the road at a time and he is willing to make a turn-off so it is easier to access the cemetery, if the county approves.
- Robert Sheer shared that he owns property in Hamlin Valley approximately 20 miles north of Modena, the road is not two lanes wide in many areas, the road routinely washes out, two years ago the county road grader got stuck and the road became impassable, the road is officially closed one-half of the year, the 14 items in the CUP have not been seen by residents, no notices were sent to Hamlin Valley, the public hearing was not adequately announced, wildlife will be affected, recreation purposes need to be considered including the county OHV trails, the road is currently 30 miles long and it takes 40 minutes to drive it, and then asked if a cultural assessment was being done.
- Erick Cox explained that BLM has done a tentative study.
- Robert Sheer stated that BLM has not commenced their evaluation process; there has been no consideration, and no approval given. BLM will be scoping before that will happen so there is no reason to rush this process and requested that the public be allowed to review the CUP and give feedback.
- Chair Tullis asked and Reed explained that the notification process is always a challenge when a project is in the middle of BLM property. The county is required to notify adjacent property owners and post on the state and county websites. The county notified the closest property owners even though they were not adjacent. The county does not determine who drives on a public road that goes past a property. The county did what was required by law, notifying adjacent property owners within a reasonable area south of the mine proposal.
- Erick Cox stated that the road will be in better shape once it is improved and will be a benefit for Iron County.
- Robert Sheer asked and Russell Limb explained that the road will be safer and in better shape because of the MOU with the county. Cattle guards, culverts, channels, etc. will be installed and crushed gravel will be added for nine miles of the road, which is a significant amount of road that will be a benefit. He has been building roads for 40 years. He doesn't yet know where they will get the water from. They anticipate needing 4000 gallons per hour, but not all the details have been worked out yet.
- Randy Clark shared they have requirements they have to follow and this CUP is one of the steps.
- Ken Parker stated the road is not maintained well and challenged the commissioners to drive the road to see what it is like and stated that \$800,000.00 of taxes come from taxpayers in that canyon.
- Doug Schmutz stated that there are 10 components of pozzolan that are listed on the US Toxic Substance Control List and would like to be shown proof otherwise, the dust from crushing and roadwork will be ingested by residents and people on recreation vehicles, and that a 30-foot wide road is not safe with 40 15-foot wide trucks traveling from 6 or 7am to 6pm.
- Russell Limb responded that there are no toxic materials in it.
- Chase Hansen shared that even if the road is improved, they will be traveling behind slow trucks full of toxic materials. Additional trucks will slow traffic on this one way in, one way out road.
- Doug Schmutz asked they move the mine to another area, possibly Gold Springs, where there are no residents.
- Mike Poynor shared concerns about someone getting hurt, cattle being struck by trucks, and who will pay for the cattle loss.
- Layne Anderson stated that he is concerned about emergency vehicles, ambulance service, and fire vehicles having enough water for emergencies, conserving water, the highway to Cedar getting damaged, and the type of trucks being used.
- Russell Limb stated they are using side dump trucks.

- Larry Bundy stated he agrees with everything that has been said.
- Sara Atwood stated that if the residents have no choice on the project going through, she feels there should be fencing around the property to protect kids on bikes, hunters in pre-daylight hours, wildlife, etc. She feels markers may not be seen.
- Brad Bowler shared that he raises cattle and moves cows along the road, which is a designated livestock trail. Moving cows twice a year takes a long time. He asked what they will do if there are trucks on the road.
- Sheri Woods stated that she is concerned about the proposed project and that she did not get adequate notice, that 20+ trucks per day is too many, the formations in the area are special, dust is unhealthy, drainage is a problem, animals drink from the area water, there will be pollution, the road is bad, 9 miles of an improved road is not enough, and more people will be driving the road. She hopes BLM will not approve the project due to the Native American artifacts and the graves of pioneers and early homesteader.
- Robert Sheer asked if the county could post a notice to hold a public hearing on the proposed CUP for those who don't know about this. The notice for this meeting should have been posted on the road.
- Reed Erickson replied that this hearing is the public hearing for the CUP.

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

Chair Tullis closed the public hearing.

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

**Motion:** Laine made a motion to table agenda item #8 to gather more information and to visit the location.

**Second:** Seconded by Mark Halterman.

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

- Roger Thomas and Reed clarified that Utah OGM also has jurisdiction for the mine, the proposed use is an allowed use in the zone and the ordinance says it shall be granted unless the planning commission determines it does not meet the conditions or the mitigations are not addressed sufficiently to be able to say yes.
- Laine stated that each side needs to present more data since this has become an emotional discussion.

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

#### **Continued Discussion:**

- Reed asked and the commissioners responded they want more information on the mining process, chemical hazards, size of water tank for mine and road dust control, and air quality.
- Reed clarified there will not be another public hearing, but the public may submit information in writing to [reed@ironcounty.net](mailto:reed@ironcounty.net).
- Since many of the public have left this meeting, he will email detailing they have one week to submit the information. The information will then be distributed to the planning commissioners.
- The next meeting (March 6<sup>th</sup>) will be for the planning commissioners to discuss and act upon the proposed CUP.

### **9. CONDITIONAL USE PERMIT APPLICATION – “Recreation, Commercial” Black Eagle Air Soft – Paintball Facility (39.37 Acres) Located near 7812 N 1600 W, Beryl, UT 84714**

*Applicant: Black Eagle Air Soft, c/o Kasen Muncrief*

#### **Introduction:**

Reed Erickson shared the following:

- The CUP is for a recreation/commercial business for an airsoft tactical facility located on 1600 W and 7812 N, Beryl.
- The 39.27 acres is located near sections of BLM property and R-2 & R-5 zoned private property that was platted many years ago.
- 7800 N is the end of the county maintenance on 1600 W.
- The application is to operate with temporary facilities to see if business has interest before drilling a well and adding septic.
- The CUP would require a development plan by June 1, 2025.
- The proposal is Commercial with a small water system; they would be allowed up to 25 people per day.
- The identified impacts include traffic and noise.
- The mitigations are to have good separation from adjacent residences, to use portable toilets temporarily, and to limit daytime hours to 7am to 7pm.

Erick Cox asked and the applicant confirmed that their business is not related to the nearby Exotic BnB project.

Kasen Muncrief, applicant, shared that Jeff Hibbins, property owner directly to the north, thinks it is a great idea that the airsoft BBs are Biodegradable and that they will be open Fridays, Saturdays, and Sundays to start from 10am to 6pm each day.

#### **Public Hearing:**

Chair Tullis opened the public hearing. The following comments were made:

- Sheri Woods stated this was a great idea and that the shooting range nearby has done well and is well supported.
- Garrett Lucas shared that along with the nearby firing range; airsoft is also used for firearms training and is a good way to teach kids.
- Kasen stated that they will not allow smoke grenades. They will not have any buildings; it will be sagebrush, dirt, trenches, and foxholes.

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

Chair Tullis closed the public hearing.

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

- Chair Tullis read the Review and Findings Section 17.28.050.
- Roger Thomas stated and Reed agreed that they won't need a fence around the parcel so Item #13 would be changed to boundary markers.
- Mike Platt thanked the applicants for their patience for having to sit through this long meeting.

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

**Motion:** Mike Platt made a motion to approve the CUP on 39.37 acres for agenda item # 9 having found the applicant to be in compliance with the Iron County Land use Section 17-28.

**Second:** Seconded by Roger Halterman.

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

**10. CONDITIONAL USE PERMIT APPLICATION – “Resort Lodge” Aurora Wilds Resort (20.19 Acres)**

**Located near 3522 S Shurtz Canyon Rd, Cedar City, UT 84720**

*Applicant: Brian Slade*

**Introduction:**

Reed Erickson shared the following:

- Brian Slade, the applicant, is in attendance to answer questions.
- The property is located on Shurtz Canyon Road, south of Cedar City off of Tipple Canyon Road and is against BLM property and the Pyramid Ridge campground near the Lincoln-Miller subdivision.
- The property is surrounded by A-20 zoned property.
- A resort lodge is an allowed use in the A-20 zone.
- They have proposed to keep the resort on the front end of lot near Shurtz Canyon Road.
- The proposal is for more than what the available water system would allow. The four lots in the Tweedies subdivision are on one well with a non-public water source, but there is a water user agreement that allows for connection to other properties that are on the north and west remainder parcel. There are seven total connections.
- A nonpublic water system allows 25 people per day. A public water system would be required to accommodate their request for 40 people per day.
- Brian is aware of the water requirements and knows he would need to keep the number of beds low until water improvements were made.
- Brian shared:
  - The term Resort Lodge is misleading, this is the term in the county ordinance that it qualifies under.
  - He served 27 years in the military and wants to support his brothers in arms by sharing this with them.
  - Most people know that suicide is a big problem so he and his wife do training that is effective for people who experience trauma.
  - They focus on outdoor serenity because the environment is important. He knows the surrounding neighbors feel the same.
  - They will continue to work on the water issue. They will keep it a small footprint until it is worked out.
  - They have taken as little as 25 people at a time; they will just limit the staff. The staff is usually 10 people.
  - The lodge building would be three stories on one side and two on the other with 15,000 square feet, which is bigger than most houses, but not gigantic. It will be tucked back to keep the surrounding view protected and they will use downward lighting, etc.
- Roger asked and Reed explained that the recent roadwork out there was a partnership with Iron County and BLM to improve the road. The water was put in by the residents that bought the property.
- Terry Palmer clarified that the septic is permitted through the health department.

**Public Hearing:**

Chair Tullis opened the public hearing. A summary of the comments include:

- Kathy Roberts stated:
  - She has worked on this subdivision for 3 years.
  - A well was drilled, power was brought in and piped to each lot, and each lot would be on septic and propane.
  - The county previously denied overnight guests twice, but BLM put in the campground. Another neighbor wanted an ammo shop with 10 employees and he was told he had to pave the road, bring in power, and a sprinkler system. The costs were too high so he backed out.
  - This proposed use and other uses like a resort, hospital, and prison does not conform with agriculture in an A-20 zone. Houses, barns, sheds, etc. are conforming uses.
  - The road is a single lane so cars have to pull over to pass each other. The road is under 24 feet wide.
- Lori Dancer read notes from an April 28, 2023 meeting with all the interested parties, including Brian Slade, regarding the well and pipe sizes, water shares, price, and supply. She also read details of domestic and livestock use requirements, the water deed details, and regulation 309-510.
- Kale Lofthouse stated:
  - He and his wife just bought lot 4. His understanding is that subdivisions are homes, not commercial.
  - Adding a campground across from an existing campground is not needed.
  - He appreciates the helping of veterans, but this should be a family neighborhood.
- Anthony Guadagno stated:
  - He was not formally notified of this meeting.
  - Prior to purchasing the lots, all of the subdivision owners agreed to use the lots for residential/single family homes.
  - He respects property rights, but the light pollution, noise, and security are more than he expected.
  - The subdivision was created as seven lots so that no fire hydrant would be needed. The 15,000 sf structure will require a hydrant.
  - They said this was for well-being, but the real use is overnight camping, extended space, tiny homes, living on the property, and RV's, which will require him to have to build a fence for security.

- The road is a 20-foot dirt road, measured at the cattle guard, which already has 30 cars going in and out daily. His research says campgrounds have cars go in and out several times per day. Multiple cars, RV's and 40-foot trailers will tear up that road so maintenance is an issue.
- Trespassing is an issue.
- The CUP should be compatible and conforming. This is not domestic living and not an asset for this area so he is contesting.
- He would not have invested in this property and home if he had known about this project.
- Sue Gale stated:
  - She was not notified of this meeting.
  - She has lived there for 20 years and moved there to get away from the city because they zone however they want.
  - The area has a natural deer habitat, wild turkeys, horses, and 4-wheelers.
  - The road improvements were only a small portion of the road and even though they widened cattle guard, it is still too tight.
  - The road is one way in and one way out and goes across the ravine. Traffic, including bikers, has increased so they can't walk on the road any longer.
  - It is sad that people need help, but a lot of them are mentally unstable and it is a ways away from getting help from emergency services.
  - They moved out there to be in woods, and now BLM is adding another campground. They are concerned about the light pollution and the three-story building being large.
  - She is not against Brian and what he's doing, it's just not in an area it should be in.
  - She also asked if the road would be required to be oiled.
- Martin Clements stated this is the wrong place to put an insane asylum.
- Jake Miller stated:
  - The nitrates in the soil will be high with a 3-story building on septic.
  - This is not compatible if an eyesore is built.
  - Having 40 rooms and bathrooms will affect the well.

Responses to the comments included:

- Reed shared:
  - All of the existing infrastructure was permitted as part of the subdivision improvements.
  - The table of uses for A-20 is not limited to whether they are agriculture or not.
- Brian Slade explained:
  - This project is his dream and he does not think it will be the imprint everyone is picturing.
  - The structure will look like a house and will be behind the trees on the center of the property so it's not close to anybody.
  - He is hearing what everyone is saying, but this use is an allowed use in the A-20 zone.
  - The well is on his property and he is required to be 200 feet away from it.
  - He will not fill in the ravine; it is a natural protection from flooding.
  - He is not planning to use an excess of water.

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

Chair Tullis closed the public hearing.

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

Comments included:

- A discussion of a previously approved campsite that was amended to remove the RV's due to travel way concerns. The park has not built yet, possibly due to the high number of conditions added.
- With the current well, seven bedrooms (25 people) total would be allowed which includes campsites. To increase capacity, the applicant would have to bring in a public water system.
- The A-20 zone allows this use, but an RA-20 zone does not. An RA-20 zone was recommended to the subdivider, but they chose A-20.
- Firearms are allowed if they are beyond 600 feet of another residence.
- The planning commission does not need to determine when the applicant decided to use the land for this business.
- Road improvements are not required because the road is already on the county's maintenance system.
- Whether the 20-foot wide road was the right number or sufficient. Rich will review the road width.
- Conditions cannot be put on this CUP based on what BLM is doing.
- The size of the building is 15,000 square feet on the main floor. The height of the building is not restricted in A-20.
- Fire suppression will be required for the building.
- CUP item #12 includes noise conditions.
- The fencing requirements for the whole parcel versus the campsite area and/or the parking area.
- Adding more mitigation conditions such as light screening/blocking and no RV hookups or RV camping.
- The facility is not an in-patient rehab, but participants may stay for several days, which is allowed.
- The ammunitions business that was discussed earlier had more conditions due to the type and amount of ammunition he wanted to use and the number of delivery trucks coming and going.

Brian Slade explained:

- The rooms and campsites will be rented out at times to guests.

- The treatment for PTSD would include walking the participants through hearing gunshots from the nearby shooting range.
- He told Dan Roberts his plans for the business when the subdivision plans were being made.
- The new BLM campground across the street is already being built.
- He would consider a fence around the parking area, but thought it would detract from the landscape.
- One acre of the property will not be in green belt.
- The participants pay for the services themselves.

The planning commissioners reviewed the Review and Findings (section 17.28-050) and found the application to be compliant.

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

**Motion:** Roger made a motion to approve with modifications as identified by Reed previously (headlight screening around the camping parking area and no RV camping or hookups) to approve the CUP for agenda item #10 for the 20.19 acre property having found the application to be in compliance with requirements of the Iron County Land Management Code, Section 17.28.050.

**Second:** Seconded by Mark Halterman.

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

## 11. ANNEXATION REVIEW – CREATING AN ISLAND OR PENINSULA

**Proposed annexation into Parowan City, approximately 51.16 acres located within the SE¼ of Section 15, T34S, R9W, SLBM (APNs: C-0957-0001-0000, C-0957-0000-0000 & C-0970-0000-0000).**

*Applicant: Iron County, Prime West Development LC, Parowan City*

### **Introduction:**

Reed Erickson shared the following:

- The property being proposed for annexation is near Parowan.
- Annexing this property will create an island of un-annexed property, so the county has to agree to the proposal.
- The annexation will not restrict or enhance the ability for the county to provide any services in the area.
- The county has to agree to this proposal of an island that doesn't currently exist in order for Parowan to annex the property.
- The recommendation will be presented to the County Commission on Monday, February 10<sup>th</sup>.

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

No comments made

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

**Motion:** Erick Cox made a motion to recommend to the county commission approval of the annexation agreement for agenda item #11.

**Second:** Seconded by Mark Halterman.

Mark Halterman clarified that Prime West Development is Larry Pendleton.

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

## 12. TRAINING – OPEN MEETINGS LAW...

**Sam Woodall – Deputy County Attorney**

Sam was not able to attend the meeting so the training will be rescheduled for a future meeting.

## 13. MINUTES... consider approval of minutes for the January 9, 2025 meeting.

**Motion:** Mike Platt made a motion to approve the January 9<sup>th</sup> meeting minutes.

**Second:** Seconded by Mark Halterman

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

## 14. STAFF REPORTS... A. Building Department B. County Attorney C. Planner & Services Coordinator

No reports given due to the length of the meeting.

## 15. ADJOURN

Chair Tullis adjourned the meeting at 11:17 pm.

Minutes Approved March 6, 2025 by the Iron County Planning Commission



3/7/2025



**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**March 6, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting Thursday, March 6, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members**

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

**Excused**

Michael Platt

**Staff**

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

**Others Present**

Tom Quella  
Lynda Quella  
Steve Wheeler  
Candi Quella  
Ben Jantz  
Kelly Blackburn  
Robert Wiley  
Donald S Bolton  
Doug Croft

**Representing**

Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self  
Self

**Others Present**

David Putnam  
Robert Shear  
Randy Clark  
Suzy Garfield  
Mathew LeFevre  
Curtis Anderson  
Bob Tuckett  
Ken Robinson  
Russell Limb

**Representing**

Self  
Self  
PCI  
Self  
Self  
Self  
Self  
Self  
PCI

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair 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 time up for public comments.

- David Putnam asked the County to consider keeping wild places wild when planning.
- Chris Stevenson shared that he and his wife are opposed to a planned road at 3200 S from 7700 W to 8200 W, stating that:
  - Cedar City and Iron County have created a Memo of Understanding regarding Restoration and Maintenance of the Quichapa Channel at this location.
  - They are not opposed to the channel or a service road, but are opposed to a public road due to the lack of privacy, increased traffic so close to their home, and safety issues because many drivers do not adhere to posted speed limits in the area.
  - The county says no improvements have been made yet, but someone has created a path and people are using the “road”.
  - They purchased their property due to its remote location and small amount of traffic.
  - The main access road into Sunset Subdivision is 3400 S off of Bumblebee Road to the west and they want the road to continue east to 7700 W, which he feels is more logical.
  - The area property owners were not notified and included in this decision making process.
  - They would have placed their home in a different location on the property if they had known about the planned road.
  - They are concerned about how this will affect the eagles using the trees along 3200 S.
  - They request that the road not be built because it will ruin their home and peacefulness.

Chair Tullis closed the public comments.

**3. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” (200 Acres) ...continued from February 6<sup>th</sup>.**

**Located near 12000 N Modena Canyon Road, Modena, UT (BLM Property)**

*Applicant: Progressive Contracting Inc., c/o Randy Clark and/or Russell Limb*

**Introduction – Review:**

Read Erickson shared the following:

- This agenda item was continued at last month’s meeting and is back on the agenda today for further review by the ICPC.
- The proposed surface mine is located nine miles north of Modena on 200 acres of BLM land.
- The applicant does have a mining claim filed with BLM for this parcel.
- Surrounding properties include BLM, State Trust Lands, and some private property.
- Setback lines and the point of access were shown using a map for the first 20-acre section they will be mining.
- This size of this operation is considered a small mine per Utah Division of Oil, Gas and Mining standards.

- The applicant will be mining pozzolan.
- The applicant has bonded with the Division of Oil, Gas, and Mining (DOGM), which requires the applicant to reclaim the first 20 acres before they could move to another area to continue mining.
- A letter from DOGM shows a tentative approval of the mine in conjunction with a BLM review.
- The date that BLM recognized the application is October 24, 2024 and BLM is currently doing an Environmental Assessment (EA), which is part of the NEPA process. The EA determines if an Environmental Impact Statement (EIS) is needed.
- Multiple state and federal agencies are involved in the mining permitting process, not just the county.
- The county ordinance, for surface mining, is allowed in the A-20 zone with a CUP. The county has granted several surface mines over the past few years in the A-20 zone.
- The purpose of the CUP is to identify potential impacts and then recommend mitigation through the permit.
- After the last meeting and public comments, the CUP conditions were expanded to 12 items.
- These 12 items were included in a letter sent out by the county asking anyone who had not previously had an opportunity to comment to submit, in writing, any additional items, besides what was discussed at the last meeting.
- The items of concern were summarized into 6 categories for the ICPC members to discuss:
  1. Road
  2. Health Risks
  3. Surrounding Land Use Conflicts
  4. Mining Practices
  5. Water
  6. Archeological, Economic, and Legal Considerations

The Planning Commissioners and Staff discussed the following regarding the road (concern #1):

- Erick Cox stated the response from the applicant about the concerns was good, helpful, and showed what they would do to help mitigate the concerns.
- Jared Christensen shared that he spent time reading the letters and driving that road. He was concerned about the road being the major problem, but after reading the applicant's response, he thinks it will be taken care of through the county standards required in the MOU with PCI.
- Rich Wilson shared:
  - He and Bruce Anderson evaluated the road and found that most of the road is on BLM land with some on private land. Some portions on private land have a 33-foot ROW, but BLM recognizes a wider ROW.
  - The county has looked at improving the road many times and determined it is difficult and hard to maintain because of distant and limited amount of material available in the area.
  - With development of the mine, there is an opportunity to make improvements by the applicant noting that it is to the county's benefit to have non-county funds pay for county road improvements.
  - The applicant would maintain the nine miles of road until they stop using it. After that, the county's grader would maintain the road one to two times per year.
  - He has been researching a road additive that will improve gravel roads to an almost concrete surface. This would cut down the need for water for dust control and reduce wash boarding. He will continue to research and discuss this with the applicant as an option for the nine miles of road.
- Reed explained that the CUP determines the impacts and what the mitigations are, but the county does not tell them exactly how they have to do it, which includes where they get the water.
- Jared Christensen stated that the applicant has another similar mine and he does not hear about dust control problems there. After reading the letters and health findings, and as long as the dust is controlled, there should not be a problem in complying to the county's standards.
- Rich shared that not all pozzolan is the same based on their location. This particular fossil does not have the silica that others do.
- Roger Thomas noted that the county is not regulating the mining operation. The other agencies are regulating the mine, and they are the experts.
- Jared asked and Reed clarified that anytime the standards are not being kept, the county can reevaluate the permit. The permit can be revoked, extended, or modified including changing the conditions. This process is the same process as getting original approval.

Regarding health risks (concern #2), Reed shared that the applicant did radiation testing when they did their soil sampling and did not find any radiation from nuclear testing or residual radiation on the property.

The Planning Commissioners and Staff discussed the following regarding concern #3:

- Reed shared:
  - Many of the letters received contained concerns about other land uses.
  - BLM's charge is to manage for multiple uses.
  - Because of the nearby geological formations the county evaluated whether fencing was needed and chose to put in the CUP that fencing, signage or a combination of both could be used and that at times those requirements might change as the mining changes.
  - Most mines in the county are not fenced off.
  - The public needs to realize that 20-acres of property is not a huge area and the impacts to wildlife migration routes is hard to determine, so that needs to be put in perspective.

- Roger asked and Reed confirmed there is a 200-foot setback from the road on each side. In addition, within 600 feet of the north boundary, the applicant is required to be 100 feet away from the edge of the rock formation, which is approximately 400 feet from the road at the north end, which includes the 100 feet from the rock formations.
- Rich shared that he hiked to the top of the steep ridge to see what it looked like. On the backside, it goes downhill and is a typical forested area with no other unique geological formations.

The discussion then changed to traffic and the road:

- Jared asked for clarification regarding the possibility of up to 40 semi-trucks per day, Hwy 56 road conditions, and the Safe Street for All study.
- Rich stated that Hwy 56 is a state road and an additional 40 trucks (80 trips) per day would be a small impact compared to the current semi traffic along Hwy 56.
- Roger asked and Reed clarified that the original application stated 20 trucks (40 trips) per day, but the applicant later shared they expect 40 trucks per day.
- Rich explained that the nine miles of the canyon road would handle the traffic because the applicant is required to improve the road to handle the traffic.
- Chair Tullis asked if chip sealing would be better than hauling water to control dust.
- Jared stated that chip seal does not hold up for big trucks.
- Rich explained that if the base is done right with the best products, chip sealing can work. The current road would have an improved surface, would be widened, and that concerns about blind spots, washed-out areas, etc. would be evaluated.
- Reed clarified that the county's road standards are for new subdivisions/developments so the specific MOU with PCI was created. The MOU simply says it needs to be in a condition useable and safe for the mine operation.
- Roger inquired about the definition of improved and Reed stated that he, Bruce, Rich and Sam would review that in the MOU.
- Russell Limb, applicant, shared that Bruce, Rich, and he met out at the road and talked about the road improvements. They discussed the depth of road base, the width, etc. The MOU identified the requirements and it was notarized and signed by both parties.
- Rich shared that the county will provide culverts and cattle guards, and the applicant will install them, do the road improvements, and provide maintenance, which is a big savings to the county.
- Chair Tullis confirmed that if the mine location moves, the applicant would have to improve the road to that area.
- Randy Clark, applicant, noted it would be in their own best interest to improve the road.
- Rich clarified that the reason the county requested the road be 50 feet past their mine access was to preserve and safely manage the washout area nearby, so 50 feet was not an arbitrary number.
- Reed explained that if the mine area is moved outside of the 200 acres, the applicant will have to come back to this meeting for approval.

The Planning Commissioners and Staff discussed the following regarding the water (concern #5):

- Roger asked and Reed explained that water is regulated by the Division of Water Rights including where it comes from and how it is being used.
- Reed estimates that if the applicant uses their expected amount of 4,000 per hour, which is less than 45-acre feet of water, that amount would irrigate approximately 11 acres of land. One pivot uses 480-acre feet of water on a 120-acre pivot. The mine's use is one-tenth of the water of one pivot. The applicant's biggest expense regarding water is hauling it.
- Russell explained they would have a raised 12,000-gallon water storage tank onsite, which gives them pressure to maintain dust control. The water could be used for any other uses such as fires, although they have never had a fire. They could use other equipment to deal with fire, as well.
- Jared asked and Rich confirmed that MSHA would regulate water runoff.
- Reed noted that #12 of the CUP addresses storm drainage, detention, runoff, erosion control, contaminant potential, and potential retention.
- Each of the jurisdictions (approximately six agencies total) will monitor the agreements made for different parts of the process.
- When asked about water contamination, Russell explained they would not be sending anything down the creek.
- Russell shared that the road is for use by anybody, but he will work with cattlemen when they need to move cattle along the road.

**Note: Public Hearing held previously on Feb 6, 2025**

**Planning Commission & Staff Discussion:**

- Chair Tullis read the criteria for granting a CUP, the Review and Findings, Section 17.28.050 and found the commission to be in agreement with the findings listed.
- Reed shared that there are 18 conditions in the draft CUP.

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

**Motion:** Mark Halterman made a motion to grant the Conditional Use Permit for the 200-acre property identified in agenda item #3.

**Second:** Seconded by Erick Cox.

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

**4. ZONE CHANGE APPLICATION – “R-1 to C” (5.28 Acres)**

**Located near 357 N Center St, Summit, UT. (APN: D-0094-0007-0000)**

*Applicant: Edward Kelley Blackburn*

**Introduction:**

Reed Erickson shared the following:

- Agenda item 4 (Zone Change) & item 5 (CUP) are tied together, so they will be discussed together, but we will have two separate public hearing and two separate actions.
- The property is located on the north side of Summit off of Center Street and south and east of I-15 on a 5.25-acre parcel.
- The property is currently zoned R-1/2 and the applicant is requesting it be zoned to Commercial so they can have a commercial plant nursery and a resort lodge.
- The applicant has planted trees for many years and they want to improve it to include a resort lodge for family gatherings, weddings, and small nightly rentals.
- The property has a non-public water system currently. If approved, and as the resort lodge grows, they would be required to improve it to a public water system. The CUP would identify at what point that would need to happen (25 people served from the system).
- The access to the property is off of a paved road and it has good visibility from I-15.

The Blackburn's stood to be recognized, but had no additional comments regarding the zone change.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed explained that the staff evaluated the property access, water flow, etc. and found that this request fits within the considerations. Also, the three ponds on the property and the water tank are a benefit for fire suppression.
- Roger Thomas asked and Reed clarified that there are three access points onto the property, peninsulas don't affect zoning as much as annexation, property across I-15 is currently zoned commercial, and that small commercial zones are acceptable/preferable next to interchanges.
- Reed noted that he received one letter from a neighbor, Mr. Lawrence, who raised concerns of what the project. Once he explained the project, Mr. Lawrence seemed reassured that the water and sewer issues would be regulated.

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

**Motion:** Erick Cox made a motion to recommend to the County Commission the zone change from R-1/2 to Commercial for the 5.28 acres for agenda item #4 be approved.

**Second:** Seconded by Jared Christensen.

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

**5. CONDITIONAL USE PERMIT APPLICATION – “Commercial Plant Nursery & Resort Lodge” (5.28 Acres)**

**Located near 357 N Center St, Summit, UT. (APN: D-0094-0007-0000)**

*Applicant: Edward Kelly Blackburn*

**Introduction:**

Reed Erickson shared the following:

- This item is to discuss the proposed commercial plant nursery and resort lodge.
- Resort Lodges can take a number of different forms, but essentially, it is a destination point that provides some kind of service with lodging. The applicant wants to have small cabins and a reception center for small gatherings. As the resort grows they would grow it to fit the definition of a resort lodge.
- Currently the property has an area for weddings, a religious area, fishing ponds, a pumpkin patch, and landscaped quiet areas.
- There is space for public parking, which must be off the street (onsite).
- They plan to grow to have up to 12 unique small cabins for overnight stays.
- One potential impact is traffic, but they do have good access with multiple entrances to the property.
- The landscaping absorbs noise from the freeway.
- Noise from visitors would be low, as they do not intend to have concerts or loud events.
- Sewage regulation would be determined by the Southwest Public Health Department and will change as the resort grows. The CUP allows for temporary port-a-potties until a final plan is submitted.
- The proposed commercial nursery would allow them to legally sell the trees they are already growing on the property and to grow and sell more than Christmas trees.

Ed Blackburn shared that his father started planting tree on the property in the 1960's, but the majority of those are gone. Most of the current trees have been there for more than 30 years, while others have been there 15 years.

Roger Thomas found that CUP item #25 references the CICWCD, but they have private water so that part needs to be removed.

**Public Hearing:**

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing

**Planning Commission & Staff Discussion:**

- Chair Tullis read the criteria for granting a CUP, Review and Findings, Section 17.28.050 and found the commission to be in agreement with the listed findings.
- Reed explained that this CUP has 36 conditions that are similar to other resort lodges the county has approved and that the CUP would be approved contingent upon the approval of the zone change. Also noting that the County Commission Meeting considering the zone change will be held Monday, March 10<sup>th</sup>.
- Erick Cox clarified that the current water system allows 25 people or less and that the number units they are allowed is based on the number of beds.
- Reed shared that the water system requirements are addressed in item #4 of the CUP.

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

**Motion:** Roger Thomas made a motion to grant the CUP, contingent on the approval of the zone change for the 5.28-acre property on agenda item #5 having found it in compliance with county codes.

**Second:** Seconded by Mark Halterman.

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

**6. ANNEXATION REVIEW – CREATING AN ISLAND OR PENINSULA**

**Proposed annexation into Cedar City Corporation, approximately 19.18 acres located at near 400 W and 3000 N, Cedar City, UT – within the NE¼ Section 27 and the NW¼ Section 26, T35S, R11W, SLBM (APNs: D-0699-0000-0000 & D-0731-0000-0000).**

*Applicants: Iron County, Cedar City, Ryan Brindley*

**Introduction:**

Reed Erickson shared the following:

- This item is the consideration of a county agreement to an annexation petition of a peninsula located between Enoch and Cedar City on 3000 N, which runs along the south side of the property.
- Currently the Cedar City boundary takes a number of jogs and this would create a new extended peninsula that does not already exist.
- Enoch City and their Tier II boundary is slightly north of the property.
- The property is within the Cedar City annexation policy plan and the airport instrument approach zone and the approach zone.
- The property owner is apparently looking to do a commercial project.
- There is no water in the area in the county so any water needed for development would come off of 3000 N from Cedar City.
- The proposed annexation is two parcels combined together to make the total 19.18 acres.
- Approving this annexation does not impair the county's ability to provide services to the county on each side of it nor does it impair the ability for people to annex in the future.
- Since Cedar City does not require water to annex any longer, the land may continue to be farmed. The water will not have to be given up until development occurs.

**Planning Commission & Staff Discussion:**

Erick Cox asked and Reed stated that the property to the west was recently rezoned to commercial for storage units. They did not want to annex because of water issues.

Reed explained there would be no public hearing at this meeting, and the ICPC needs to make a recommendation to the County Commission, whose meeting will be held next Monday, March 10<sup>th</sup>.

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

**Motion:** Jared Christensen made a motion to recommend to the County Commission to approve the proposed annexation creating a peninsula of unincorporated land, identified in item #6.

**Second:** Seconded by Erick Cox.

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

**7. COUNTY CODE AMENDMENTS – Ordinance 2025-4 “Amending Section 17.16.030 – Table of Uses, Section 17.20.010 – Definitions, and adding Chapter 17.37 – Data Center” (creating provisions and regulations for the permitting of a “Data Center”); and “Amending Section 16.22.070 – Development Standards” (allowing smaller than zoning minimum lot/parcel sizes for remainder lots/parcels).**

*Applicant: Iron County*

**Introduction:**

Reed Erickson shared the following:

- This agenda item is an introduction and discussion so no action will be taken at this meeting.
- The discussion will include consideration for Data Centers as well as Road Dedications Subdivisions.
- Consideration of new Ordinance Chapter 17.37, Data Center

Reed shared the following

- The ordinance was drafted from and will read similarly to the solar power plant section.
- If the ICPC members agree, a public hearing will be held at the April ICPC meeting.
- Data centers are different than they were 10 years ago due to less heat being generated and improved cooling technologies.

- Computer hardware does not produce as much heat as it used to so there is less water consumption and less noise.
- The proposal is the same as a large-scale utility where it would be a conditional use in an A-20 or Industrial zone, and would not be considered in any other zones.
- Consideration was given to allow both data center and power generation together, but the staff prefers they be kept separate so they are each a different use.
- The future applicant will need 3 to 4 types of power redundancy such as grid, solar, natural gas, nuclear pocket plants, etc. The staff doesn't want to combine these as part of the data center, rather as a separate use.
- Addressing the potential for small data centers is important, although both small and large data centers could be treated the same.

Erick Cox asked Reed to research the four or five fire issues that came up with area bitcoin operations to determine if they need to be part of this ordinance.

Erick asked and Reed clarified that the power will not include the BESS battery storage systems the solar plants are requesting.

Roger Thomas suggested measuring and assessing the needs based on the electrical consumption.

Erick and Roger agreed that the power generation should be reviewed separately.

- Road Dedication Subdivision

Reed shared the following:

- The current ordinance language is fairly limiting relating to item "C" regarding remnant parcels when a road is dedicated and a parcel is split.
- The ordinance states that when a property is split, a remainder parcel must meet the minimum size for the zone it is in.
- The county's master planned roads, including the belt route, will leave some parcels too small for the zone they are in.
- The recommendation is to add language that says:  
"in the event that a road dedication of a master planned road results in a remainder lot or parcel that is smaller than the minimum width or area required in the zone, a note shall be placed on the plat recording recognizing said lot or parcel as a legal lot of record, and a deed for said lot or parcel shall be stamped and signed by the county land use authority recognizing the lot or parcel is a legal lot of record".
- The change will allow Iron County to acquire rights-of-way when acquiring master road and belt route parcels, without creating illegal parcels.
- The county is trying not to ruin parcels by moving the route to the edge of a parcel, but it may leave a small corner such as a remainder of two acres in an A-20 zone. The change allows the parcel to not be part of the right of way, but still accessible.
- The county has previously purchased an entire 20 acres when the remainder parcel isn't viable.

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

- Roger clarified this will protect the landowner and helps them have options to do something with the property.
- Erick stated that UDOT does the same thing when a road is needed and there is an excess right-of-way, usually by selling it to adjacent landowners.

#### **No Action Required**

#### **8. MINUTES...** consider approval of minutes for the February 6, 2025 meeting.

**Motion:** Erick Cox made a motion to approve the February 6<sup>th</sup> meeting minutes.

**Second:** Seconded by Mark Halterman.

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

#### **9. STAFF REPORTS...**

A. Building Department

B. County Attorney

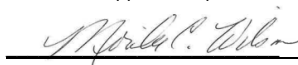
C. Planner & Services Coordinator

- Reed shared that Planning Commissioner Laine Sutherland's last day is today and gave him a special thank you for his service as a commissioner.
- Chair Tullis gifted Laine a plaque of appreciation and thanked him as well.
- Laine took a moment to thank Reed for discussing this with him over the past couple of months. Also, for the opportunity to learn about county government, to get to know good people, and to make friends, noting this will be an experience he will always cherish. He shared that sometimes our greatest blessings are the opportunities we are given and he is thankful for this one.
- All in attendance expressed their thanks to Laine.

#### **10. ADJOURN**

Chair Tullis adjourned the meeting at 7:15 pm.

Minutes Approved April 3, 2025 by the Iron County Planning Commission



4/4/2025

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

MINUTES  
April 3, 2025

~~~~~  
The Iron County Planning Commission held its regularly scheduled meeting Thursday, April 3, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members**

Michelle Tullis – Chair  
Erick Cox  
Roger Thomas  
Mark Halterman  
Dennis Gray  
Mike Platt  
Jared Christensen

**Staff**

Reed Erickson  
Terry Palmer  
Chelsea Boxwell  
Sam Woodall  
Rich Wilson  
Merilee Wilson

Iron County Planner  
Iron County Building Official  
Iron County Building Dept.  
Iron County Deputy Attorney  
Iron County Engineer  
Iron County Engineering Dept.

**Others Present**

Ryan Johnson  
Marty Miller  
Jeff Bulloch  
Clarence Jones  
Bob Tuckett  
Matt Lamph  
Zohar Lahav  
Curtis Nielson  
Judy Jenson  
Russell Reber  
Paul Cozzens  
Cindy Bulloch  
Rick Holman  
Robert Nelson

**Representing**

X Rock & Landscaping  
X Rock & Landscaping  
Self  
Pacific Design  
Midvalley Estates Water  
Parowan Gap Dog Rescue & Sanctuary  
ZLP, LLC  
Ensign Engineering  
Vandenbergh Family  
E3 Platforms  
County Commissioner  
Self  
Self  
Truly Unique Properties

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Tullis opened the meeting at 5:30 pm.  
Jared Christensen led the Pledge of Allegiance.

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

Chair Tullis opened time for public comments.  
No Comments were made.  
Chair Tullis closed the public comments.

**3. Conditional Use Permit Application – “Kennel” (34.12 Acres)**

**Located near 677 S 3400 W, Parowan, UT (APN: C-1048-0001-0000)**

*Applicant: Parowan Gap Dog Rescue & Sanctuary, c/o Zohar Lahav*

**Introduction:**

Zohar Lahav, applicant, introduced himself as well as Rob Nelson, General Contractor, CJ Jones, architect, Matt Lamph, board member, Curtis Nielson, local engineer.

Reed Erickson shared the following:

- A kennel is an allowed use in an A-20 zone with a CUP, which will have potential impacts so mitigation conditions will be required through the CUP.
- The Planning Commission has jurisdiction to grant CUP's.
- The plan at this meeting is to review the draft CUP, work out any concerns, but no action will be taken until the next ICPC meeting, in May.
- The property is located at 200 S, west of Parowan City on the northwest side of I-15 and is surrounded by private property zoned A-20.
- The parcel is 34.12 acres and is zoned A-20. Property across I-15 is zoned R-5 and RA-20.
- The adjacent property owners were sent notices regarding this meeting.
- The applicant has supplied a build-out design for their full plans, but this meeting is for Phase 1 only.
- Along the west side of the property is a 2-track road, which is not a dedicated road, which will be discussed.

- The main access is off of 3400 W and the main building will be along the west side of the project property.
- The discussion tonight is for a kennel within phase 1 of their 2-phase project.
- The closest residence is approximately 1900 feet away.
- I-15 is a barrier and will absorb noise for the properties across the freeway.
- A chart showing decibel levels of dogs was displayed, but it was noted that not all dogs create the same noise and sound travels differently in different areas.
- The applicant's Phase 1 includes plans for a kennel, retail store, vet clinic, and restaurant.
- Potential impacts include traffic and the road condition of 3400 W, noise of barking dogs, odor from waste, and dust during construction.
- Recommended mitigation includes require road improvement, separation distances from neighbors, property ID markers, site of facilities near I-15, a dust control plan, and other CUP conditions.
- Phase 1 is proposed to be on the lower 12 acres of the lower 34.12 acres of the 114-acre property including an indoor/outdoor kennel for up to 400 dogs, a dog rescue, dog training, dog boarding, and an administrative building.
- Phase 2 is proposed to include a wellness center, events center, a single family home on 5 of the acres, glamping/camping for 15 nightly rental units, an orchard/garden, recreation activity center, and a farm to table restaurant with 40 seats.
- Discussion and input regarding Phase I planning steps include:
  - Dog numbers
  - Project facilities
  - Road Improvements
  - Landscaping (buffers)
  - Fencing (possible acoustic walls)
  - Water system (non-public vs public)
- To allow for incremental growth, Phase 1 will be split into 3 steps.
  - Phase I, Step 1 (Start Up) possible requirements:
    - Start with a non-public water system. Southwest public health requires it to be limited to 25 people per day.
    - Kennels for up to 100 dogs for both rescue and boarding.
    - Six full-time kennel employees needed.
    - Road (3400 W) to be improved to WUI fire apparatus access road w/ dust control.
    - Landscaping buffers needed.
    - No cafe/restaurant or retail store at this phase.
    - Create an area for vet visits with a minimum of 2-3 staff (kennel animals only).
    - Septic for a small water system (25 people including employees & the public).
    - Training programs limited to 5 customers per session.
    - Small administration office and public center for visitors.
    - Fire suppression water onsite (30,000-gallon tank).
  - Phase I, Step 2 (Growth) possible requirements:
    - Upgrade to a public water system.
    - Kennels for 250 dogs.
    - Full-time employees increase to 15+ for kennels and additional employees for café, store, and clinic.
    - Veterinary clinic could allow non-project animals.
    - Retail store added.
    - Add café/restaurant up to 10 seats.
    - Improve road to county standard gravel road with dust control (includes ROW acquisition).
    - Sewer System not to exceed 5,000 gallons per day.
    - Dog training programs limited to 10 customers per session.
    - Fire suppression added with hydrants.
  - Phase I, Step 3 (Build-out) possible requirements:
    - Kennels for 400 dogs.
    - 50 full-time employees (25 for kennel, others for restaurants, hospital, admin, etc.).
    - Restaurant up to 40 seats.
    - Sewer system for more than 5,000 gallons per day.
    - Road improvements to county chip seal standard.
    - Full landscaping, buffers, and acoustic walls.
    - Visitors center with no limit to numbers
    - Full animal hospital with staff
    - No limit to training program participants.



Zohar Lahav shared the following:

- The general idea for the project is to save dogs noting 12 million dogs are euthanized in America each year.
- The intent is not to make money or get rich. To be self-sufficient they have added components to generate revenue so they don't have to rely on donations and grants. All the proceeds will go to the dogs.
- Downsizing the original project makes a lot of sense so they can make it work in stages.
- They would like to have Parowan and their neighbors be part of the project, and they would like to be part of the community.
- With the help of CJ Jones, the architect, they will try to make it look friendly and inclusive.
- The plans models Best Friends Sanctuary, but they'd like it to be a bit nicer.

#### **Public Hearing:**

Chair Tullis opened the public comments. The follow comments were made:

- Jeff Bulloch expressed that private property owners should do what they want if it doesn't infringe on other people. He has seen what Best Friends did to Kanab and it wasn't the best, so he asked the ICPC to take that into account.
- Cindy Bulloch asked and Reed explained sound barriers would include some landscaping and acoustic walls that would go in early on, near where the dogs are located. Each step in Phase I would require sound barriers to be added.
- Cindy shared that her preference for 3400 W from 200 S be fully built in Step 1 since in Step 2 they would have 15 employees traveling up and down a dirt road, which would impact more than a minimal road could handle.
- Cindy asked and Reed explained that the CUP will identify how to gather daily waste to be hauled to landfill in a closed container and the CUP will require they follow Southwest Public Health and the DEQ requirements.
- Dennis Gray asked and Reed clarified a WUI road is a 33-foot ROW and a 20-foot roadway. A county approved road is a 66-foot ROW and a 28-foot roadway. When the road is improved, the ROW stays the same, but the type of material put on top may be different.
- Erick Cox clarified the project is located at the lower end of the property and is not close to neighboring properties so that will help buffer the noise for neighbors.
- Zohar explained the dog park is 12 acres of the 32 acres and does not border the Bulloch's property.

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

Chair Tullis closed the Public Hearing

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

- Reed reminded the planning commissioners that they don't need to go through the findings at this meeting, but he would like them to discuss Phase 1, Step 1, (start-up).
- Reed stated dust control is required in the CUP no matter what the standard is. Since it cannot be just dirt, the question is if it should have a treatment or if it needs to be built to a full county standard road.
- Erick Cox feels that a WUI road is not the best choice, but the next level, which is the minimum county standard.
- Dennis asked and Rich explained the difference between a WUI road and county standard road noting that the soils are evaluated first to see how much A1A is required. The county standard is a minimum of 12 inches of A1A and then 8 Inches of road base, depending on existing conditions. Gravel could be added next and then improved to oil and chip seal in the next phase. There are several ways to handle the dust. The planning commissioners could give the applicant the choice or require a fully built out road.
- Roger Thomas asked and Rich explained that during subdivision, the county requires a road to match the road it is coming off of. In this case, 3400 W is coming off a chip sealed road that is maintained by the county. For the county to maintain it, they will have to bring it to county standards based on the impact. The applicant will have to get a ROW, dedicate it, and make the road improvements, etc.
- Reed shared that the county has required a WUI standard for properties that are not subdividing but still has public access. The question here is whether to require a full county standard road at Step 1, or if it can be improved over several steps. Ultimately, the road must be chip sealed.
- Roger shared that Step 1 requires them to obtain the ROW, that building the road 4 feet wider along ½ miles is a large cost, that the road may or may not be finished, and that if a WUI standard road is built, it has to have a 12-14 foot pullout every ½ mile or so.
- Roger asked and Rich explained the county does not specify the type of product they have to use for dust control.
- Roger asked and Reed clarified the applicant has 16-acre feet of water and they have worked with the Division of Water Rights to get the appropriate amount for the dogs. Water for dust control could also be purchased from somebody nearby.
- Reed agreed to add a line to the CUP to deal with the quantity of water needed as it relates to the Division of Water Rights.
- Erick asked and Reed confirmed the 100-foot setback next to I-15 is the same as on all property.
- Roger shared his concerns regarding the location of the project being by the freeway, the noise, and if there are any industry standards regarding food storage and urine odor.
- CJ Jones stated the Humane Society and/or the DEQ does require kennel drainage to be handled separately and treated through a different specialized system.
- Roger suggested adding the DEQ standards to the CUP.
- Rich shared that he had a personal experience with a dog kennel septic system that failed due to a buildup of fur so any specialized system would have to handle that as well.

- Jeff Bulloch asked if they would have a cemetery onsite.
- Jared Christensen shared there are non-smoke incinerators that are clean and approved by the EPA.
- Reed agreed to add to the CUP that the dogs would not be buried on the property, but could be taken to the county landfill.
- Reed noted that wash water going into a separate septic system could be added to the CUP, as well.
- The planning commission and staff discussed whether to have a public hearing at the next ICPC meeting and decided they would not hold a public hearing, but they may allow additional comments.

#### **4. Conditional Use Permit Application – “Airport & Light Industrial” (61.59 Acres)**

**Located near 491 E Center St, Beryl, UT (APN: E-1387-0009-0000)**

*Applicant: Eldon Harker*

##### **Introduction:**

Reed shared the following:

- The property is located north off of Hwy 56 near the Beryl fire station along Center St, which is a through street, but is not a good road.
- State Trust Lands owns adjacent land that the applicant is interested in trying to acquire.
- The adjacent property south is zoned commercial along Hwy 56, and A-20 to the west, east, and north.
- Iron County owns an adjacent parcel that the applicant is interested in purchasing for use as a hanger.
- The site plan shows an existing building and a proposed new building. The applicant would like to obtain the CUP permit before they order the building and to make sure that this project is approved by the county.
- Light industrial is a use allowed in the A-20 zone with a CUP that describes the assembly, light manufacturing, and work that occurs inside of a building.
- The county is not changing the zone to Light Industrial; the CUP would allow the Light Industrial use in an A-20 zone.
- The applicant wants to use the buildings to work on airplanes and equipment for their construction company.
- The airport is being used for private planes and crop dusting and is regulated by the FAA.
- Potential impacts include:
  - The road condition. The County does not maintain the road. They would have to decide if they want to improve it
  - Dust control during construction.
  - Noise from the planes and from the light industrial uses.
- Not many residents are near the property, but they do have a family to the east.
- Letters were mailed to adjacent property owners, but no one has responded.

##### **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:**

- Chair Tullis read the CUP Review & Findings (Section 17.28.050) and asked for discussion for each of the findings.
  - Item A1:
    - Erick asked and Reed explained there are no restrictions near a private airstrip for residences regarding the approach zone and instrument approach zone unless they seek funding from the FAA. Any airport overlay regulations would only be adopted by the county if it benefits the public.
    - Roger requested and Reed agreed to add to the CUP downward lighting and maintaining the night sky except for the airport approach lights required by the FAA.
  - Item A2:
    - Chair Tullis stated the proposed use will be located and conducted in compliance with the goals and policies of the Iron County General Plan and the purposes of this title and the land management code.
  - Item A3:
    - Roger shared the airport is currently in use and has existed for a long time so people are aware of it.
    - Reed noted there are at least 3 other airports active in the county (Matheson's, Reber's, and the Pyramid). The Flying Cal Ute airport is permitted, but not currently in use.
  - Item A4:
    - Reed stated the application does not propose any construction on any critical lands. There are no wetlands or steep slopes.
- Rich looked up airport classification and shared that general aviation airports are publicly used and do not have a scheduled service or have less than 25 annual passengers.

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

**Motion:** Mark Halterman made a motion to grant the Conditional Use Permit for the 61.59 acres identified in Agenda Item #4 with modifications

for lighting, 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; Dennis Gray, aye; Mike Platt, aye)

#### **5. Conditional Use Permit – “Surface Mining” Gravel Pit (207.09 Acres)**

**Located near 8701 W Granite Mountain Foothill Loop Rd, Cedar City UT (SA-E-4015-0000-0000 & SA-E-4019-0000-0000)**

*Applicant: X Rock and Landscape Supply LLC, c/o Ryan Johnson*

##### **Introduction:**

Reed shared the following:

- Surface mining is an allowed use in the Industrial zone with a CUP.
- The property is located south of Iron Springs Road, just off of Comstock Road on Granite Mountain Foothills Loop Road.
- The property is surrounded by Industrial zoned land. Nearby are SITLA, BLM, and several other private mining claims.
- Due to the mining claims, several parcels overlap. Two parcels have been identified for this CUP.
- The parcels are owned by Utah Iron and the application is from X Rock. Ryan Johnson is here to answer questions.
- The parcels have existing tailing piles so they will not excavate any new material. They plan to process existing piles to get colored rock for landscaping for their retail location on Hwy 56 near the livestock auction.
- They have found the material to be a valuable source and will process it out on the property and then bring it to their retail location.
- The work will happen in the upper west portion of the property and access roads will go through the property to the east.
- Surface mining regulations are administered through the Utah Division of Oil, Gas, and Mining.
- A water truck will be onsite to keep dust down.
- Perimeter signage and fencing will be added to identify the location.

##### **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 shared that Granite Mountain Road, which is north of the Granite Mountain Foothill Loop Road, is a county maintained road so they have good access.
- Erick Cox read the Review and Findings, Section 17.28.050. The ICPC found the CUP to be in compliance.

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

**Motion:** Mike Platt made a motion to grant the Conditional Use Permit for the 207.09 acres 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 Jared Christensen.

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

#### **6. Zone Change Application – “A-20 to C” (63.15 Acres)**

**Located near 5700 W to 6100 W and 4000 S, Cedar City, UT (APN: E-0277-0000-0000)**

*Applicant: JTS Trust, represented by Platt & Platt Engineering*

##### **Introduction:**

Reed Erickson shared the following:

- The zone change is part of an 80-acre parcel near Exit 51 off of I-15. The area is a portion of a pivot and will exclude 20 acres from the rezone for a house in the A-20 zone; the remaining 60+ acres will be rezoned to Commercial.
- Adjacent properties to the east and northeast are Commercial.
- Currently the pivot is leasing water from a well owned by Judy Jensen.
- The biggest challenge for Commercial zoning in this area is the lack of a public water system and central sewer. Recognizing that development is limited until then is important. Services will need to be developed unless they are all storage sheds or something similar.
- As a legislative decision, the planning commissioners need to consider feasibility for the zone change to determine if it is in the best interest of the public.
- Access is good off of the interstate; it has good visibility, but needs infrastructure.

Erick Cox noted that the adjacent property has been zoned Commercial for quite a while, but has not been developed yet.

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

Chair Tullis opened the public hearing.

- Rick Holman, representing the owner, shared that the owner is aware of the services needed for development.

**Close Public Hearing:**

Chair Tullis closed the public hearing.

**Planning Commission and Staff Discussion:**

- Reed stated that he has reviewed the criteria for rezoning with the applicant, they are aware, and they want to move forward with it.
- Roger asked and Reed explained they do not need to retire the pivot because that is an allowed use in a Commercial zone. Separating the 20 acres for A-20 allows the residence to remain.
- Rick Holman shared the owner's intention is to eventually have three 20-acre parcels of Commercial land.
- Erick asked and Reed explained the 20-acre parcel is a minor subdivision for just the one lot. A water system won't be required until the 60+ acres are developed. Water for the house/lot already exists.

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

**Motion:** Roger Thomas made a motion to recommend to the Iron County Commission that the zone change from A-20 to Commercial for the 63.15 acres in Agenda Item #6 having found the application to be in compliance for the property, be approved with the condition of the minor subdivision splitting off the 20-acre lot.

**Second:** Seconded by Erick Cox.

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

Mike Platt clarified that he does work for Platt and Platt, the engineer for this rezone, but did not know about nor was he involved with this project.

**7. County Code Amendments – Ordinance 2025-4 “Amending Section 17.16.030 – Table of Uses, Section 17.20.00 – Definitions, and adding Chapter 17.47 – Data Center”; and “Amending Section 16.22.070 – Development Standards” (allowing smaller than zoning minimum lot parcel sizes for remainder lots/parcels).**

*Applicant: Iron County*

**Introduction:**

Reed Erickson shared the following regarding the Data Center and Data Center Power Plants:

- This agenda item is a follow-up to the discussion from last month's meeting regarding adding an ordinance for a data center.
- After the feedback from the last meeting, he created a draft and sent it to interested companies who provided feedback.
- The goal is to set up the ordinance properly so the applicants know how to apply and the county knows how to review impacts, etc.
- In the draft ordinance, page 5, a data center is proposed to be allowed with a CUP in an A-20, Light Industrial, and Industrial zones.
- The data center and data center power plants are considered separate uses.
- A large variety of data centers exist and he has learned the likelihood of a small one is remote in our area. Anything less than 10 Mw is considered small. Anything over 10 Mw is a large data center and the largest are called hyper scale data centers.
- Even though it's not likely, a small data center could be incorporated into the ordinance, but doesn't seem to be needed right now.
- In the draft ordinance, data center power plants are not allowed in the Light Industrial zone, but are allowed in the Industrial zone and the Intensive Agricultural zone with a CUP.
- The County ordinances currently define wind generated utility scale solar, utility scale wind, and utility scale geothermal. There is another definition for all other power plants.
- Defining a data center power plant could include other technologies like thermal energy, energy combination storage, hydrocarbon based fuels, geothermal wells, wind energy, and nuclear fuel systems, which could be considered separately even though they may be on the same property.

Reed shared the following regarding the Road Dedication Subdivision:

- When acquiring a road ROW, such as for the belt route, the property is often split in a way to leave a non-conforming lot. Instead of having to buy a whole 20-acre parcel, this would allow those remainder pieces to be legal lots of record, which could potentially be used as commercial development. A deed would be recorded showing the lot is legal.
- Dennis Gray asked what it means when the ordinance says “reasonably possible”.
- Reed explained the ICPC can determine if it is allowed because the members represent “what a reasonable person would determine is or is not reasonable”
- Jared Christensen asked and Reed explained that currently the ordinance states a split parcel must meet the size requirement for the zone it is in. If a parcel is less than 1/4-acre it could be absorbed into the ROW, but if it is larger, it would be reviewed to determine if access and shape allow it to be utilized.
- Rich shared a current example on a 4-acre property. The county needs 3 acres, but the remainder acre isn't useful so the county would approach the adjacent property owner to see if they wanted to incorporate it into their existing lot.

**Public Hearing:**

Chair Tullis opened the public hearing. The following comments were made:

- Russell Reber stated:

- He is currently a landowner working with a company regarding a data center. The cost for an above ground line is much less to get to existing sub stations. For example, underground for one mile would cost \$2 million.
- Requiring the burial of a 34.5 kV line is not necessary, less would be better.
- Adding a data center would be a big thing for Iron County. Fifteen years ago, solar was a big thing and now there are 26 solar farms. Data Centers will be even bigger.
- Ideally, the data center would like to be tied into their own power source and into the power grid for power redundancy.
- The technology is getting better so the need for water is less and that water can be recycled. (Reed noted the equipment's latest cooling technology helps so not as much water is needed.)
- Originally the companies wanted data centers in metro areas, but problems with Pacific Corp. delivering the power has led them to build near solar farms, which is a better solution.

**Close Public Hearing:**

Chair Tullis closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed shared that the proximity to the gas pipeline is a big plus because since they want four redundant power sources.
- Erick asked about how far a data center should be from the transmission line and Russ responded that if proximity to power is too far, the cost would determine where the center would go. They prefer using an established corridor.
- Erick stated that power companies are burying many lines due to fire danger, but the larger lines are not a problem like small lines are.
- Roger asked and Reed agreed the ordinance could address those considerations so there is some flexibility.

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

**Motion:** Roger Thomas made a motion to recommend for approval with modifications of language reducing the kV line sizes to industry standard, to the Ordinance 2025-4 “Amending Section 17.16.030 – Table of Uses, Section 17.20.00 – Definitions, and adding Chapter 17.47 – Data Center”; and “Amending Section 16.22.070 – Development Standards” (allowing smaller than zoning minimum lot parcel sizes for remainder lots/parcels, described in Agenda Item 7.

**Second:** Seconded by Dennis Gray.

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

**8. Preliminary Subdivision Application – “Homestead Meadows” 48 Lots (19.22 Acres)**

**Located near 4800 N to 4950 N & 2700 W, Cedar City, UT**

*Applicant: BCN Real Estate, represented by Platt & Platt Engineering*

**Introduction:**

Reed Erickson shared the following:

- Homestead Meadows is a proposed R4K subdivision north of Midvalley Road.
- The preliminary plat shows ½-acre lots along 2700 W and the north boundary. The remaining single-family lots are around 10,000 sq. ft., which is larger than the R4K minimum.
- The preliminary plat map shows 36 lots, but it actually has 48, which requires 2 more parking areas.
- This is an administrative decision so the ICPC determines approval. If approved, they have 1 year to put in improvements or bond for improvements.
- The subdivision is within the Tier II, but is outside of Cedar City and Enoch's annexation plan.
- The zone change was done previously.
- Public services include CICWCD water, Cedar City Central Sewer, Power, Gas, Communication, Retention Pond Drainage, and Curb/Gutter/Sidewalk.
- Variations requested include no streetlights to maintain a dark sky and no fencing. Both could be granted if the planning commission agrees.

Mike Platt, representing the applicant, stated:

- The roads are a 45-foot ROW, which allows parking on both sides.
- The retention pond is on the northeast corner near the parking area.
- They are still working on the gravity fed sewer line, which will go to the northeast into a pump station.
- Due to his work on this project, he has a conflict of interest and will not vote.

Roger and Erick shared concerns about not having downward directed street lighting for safety reasons.

Reed explained that one challenge to street lighting is who pays for the monthly service. Rocky Mountain Power no longer pays. An HOA could include it in the fees, but the county would need to approach that issue with the developer. Most of the newer houses have multiple lights on them so streetlights may not be necessary.

Roger recommended the county create a light pollution ordinance and to have downward light in the R4K zone for safety for all future developments. He offered to send examples of such ordinances to Reed.

Examples of good and bad street lighting and house lighting were discussed in length.

Rich asked and Paul Cozzens replied the county could work out an agreement with the power company if the county determined the areas the light is needed and provided the light fixtures.

Reed reviewed the preliminary subdivision plat approval procedures and shared that the R4K requires street lighting, but they've asked for a variation from that standard, along with no fencing requirement.

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

**Motion:** Jared Christensen made a motion to approve the preliminary subdivision application for 48 single family lots in Agenda Item #8 granting the lighting and fencing variations, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Chapter 16.12

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Jared Christensen, aye; Dennis Gray, aye; Mike Platt, abstained)

## 9. Training...Open Meetings Law

Reed began by welcoming Dennis Gray as the newest planning commissioner and thanked him for being willing to serve.

Sam Woodall led the training for open meetings law as follows:

- Sam advised the ICPC members to watch an 8-minute video on YouTube called Utah Open Meetings Act, by the state auditor's office.
- The Open and Public Meetings Act is the state law that ensures government actions and deliberations are followed.
- This training will focus on what is relevant to the ICPC members.
- What to avoid to stay within the Open Meeting Act bounds:
  - Know the difference between a public meeting and a public hearing. Public hearings require more notice.
  - Improper notice can expose your action to judicial review and reversal until the error is cured. Don't be afraid to ask if the meeting or hearing is noticed properly. Reed shared an example that at the meeting tonight he intended to have an election of the Chair and Vice-chair, but since it wasn't posted with the agenda 24 hours ahead, it has to be on next month's meeting agenda.
- Exparte communication is when there is a specific item on the agenda and you need to share if someone has talked to you or a few members instead of all of the members. This may sway a members vote unless they bring up in the meeting what was discussed. The best way to handle it is to invite the person(s) to talk about their concerns in the public meeting instead of with individuals outside of a meeting.
- Material discussions are when someone asks you about a topic and you do not have a substantive conversation about it. If an email or text is received, it is not exparte, but it should be shared with all of the members.

Roger clarified that people search out those who make the decisions, but if the discussions are disclosed in the public meeting, there is no problem:

Reed shared that the public does request the planning commissioners contact info, but we don't share that info.

Sam continued:

- Do not make up your mind beforehand. Base your decision off of public information shared at the meeting. Information received beforehand can be considered if it is shared with members on the record (at the meeting).
- Don't make decisions for the wrong reasons. Base them on the record not on public clamor. Acknowledge concerns of the public, but make your own decision based on objective standards.
- Legislative decisions, such as ordinances, can be a little more flexible as they go through the planning and county commission.
- A conflict of interest doesn't mean you can't vote, but you need to decide what you think is best. It depends on the depth of the interest and financial benefits. Sometimes there is barely a quorum in attendance, so you may need to work past your conflict of interest.

Roger stated that if needed, you could disclose a conflict of interest during a meeting and ask Sam in meeting what to do.

Sam explained:

- During meetings, ask questions for clarification, and don't be afraid to wait for answers even if the topic needs to be tabled.
- For polarizing meetings, plan ahead and set rules with the chair. Move agenda items up if there is a large crowd in attendance. Use a timer when needed. Take a meeting break while people clear out of the room before the next topic.
- During the meeting, give an overview of the process, set ground rules, lead by example, do not engage, and give the speaker your full attention. An attendee may be removed from the meeting if needed.
- After contention, to help things move forward, give a summary, suggest they talk to staff another time, and communicate the next steps.

Mark Halterman stated it is nice to have Sam at the meetings to answer questions.

## 10. Minutes...consider approval of minutes for the March 6, 2025 meeting.

Mike Platt noted that he was not in attendance at the March meeting so that needed to be corrected on the minutes.

**Motion:** Mark Halterman made a motion to approve the March 6<sup>th</sup> meeting minutes.

**Second:** Seconded by Erick Cox.

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

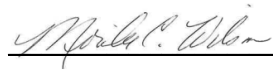
**11. Staff Reports:**

- A. Building Department: Terry reported they continue to stay very busy.
- B. County Attorney: None
- C. Planning: Reed thanked the planning commissioners and noted he does not say that lightly noting this is a great commission and all are appreciated.

**12. Adjourn**

Chair Tullis adjourned the meeting at 8:18 pm.

Minutes Approved May 1, 2025 by the Iron County Planning Commission



5/2/2025

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**May 1, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting Thursday, May 1, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Michelle Tullis – Chair  
Erick Cox  
Roger Thomas  
Mark Halterman  
Dennis Gray  
Mike Platt

**Member Excused**

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**

Robert Nelson  
Rob Allred  
Clarence Jones  
Jeremy Hunt

**Representing**

Self  
PRT Builders  
PDC  
Self

**Others Present**

Arlo Fawson  
Jared Holt  
Kimball Holt

**Representing**

Go Civil  
Bar V Holdings  
Holt Dairy

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Tullis opened the meeting at 5:30 pm.

Dennis Gray led the Pledge of Allegiance.

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

Chair Tullis opened time for public comments.

No comments were made.

Chair Tullis closed the public comments.

**3. CONDITIONAL USE PERMIT APPLICATION – “Kennel” (34.12 Acres) ...continued from April 3, 2025 meeting.**

**Located near 677 S 3400 W, Parowan, UT. (APN: C-1048-0001-0000)**

*Applicant: Parowan Gap Dog Rescue & Sanctuary, c/o Zohar Lahav*

**Introduction:**

Reed Erickson shared the following:

- The public hearing was held April 3, 2025 so no hearing will be held at this meeting, but the ICPC may choose to allow comments.
- The proposed location is on the northwest side of I-15 near Parowan.
- The parcel is zoned A-20 as are the surrounding parcels. The property to the east across I-15 is zoned R-5.
- Due to the feedback from the last meeting, the applicant has provided an updated preliminary site plan for phase 1.
- Phase 1 includes the kennel and the clinic. Phase 2 will include the larger restaurant.
- The impacts discussed at the April 3<sup>rd</sup> meeting, including noise decibel levels, will be addressed as mitigation items in the CUP.
- Rob Allred and Clarence Jones are in attendance tonight representing the applicant.
- The staff and the applicant have met a couple of times since the last ICPC meeting to discuss the concerns brought up and changes are reflected in the CUP draft.
- The applicant, Zohar Lahav has reviewed the CUP. He is in agreement with the CUP draft that was given to the ICPC members at this meeting.
- Phase 1 will develop in 3 Steps. The County will monitor the growth for each Step.
- *Phase 1, Step 1 requirements:*
  - The road, 4300 W, needs to be acquired as a 66-foot ROW. The roadway must be built to county gravel standard with a minimum of a 14-foot wide chip sealed road. By the time Step 3 occurs, the roadway will need to be the full 28 feet wide chip seal.
  - Acoustic walls, included in the drawing, are for the perimeter of the kennel areas. They will be 7 feet tall with a sound barrier between 2 gabion walls. Additional landscape will be added for beautification.
  - Step 1 is limited to a small water system up to 25 people, which includes 18 employees total and some visitors.
- *Phase 1, Step 2 requirements:*
  - Phase 1, Step 2 will begin when the number requirements in Step 1 are surpassed for employees, water, parking, number of dogs, store, café, etc.



- Septic will still be less than 5000 gallons per day, but may change in Step 3.

**Planning Commission & Staff Discussion:**

- Details discussed by the ICPC and staff included:
  - The gabion wall barriers are 7 feet high and are listed in the CUP in Item #3 (referencing Exhibit A).
  - Field-testing is needed at the property line for noise decibel levels. The staff suggests using 60 decibels as the highest level allowed at the property line.
  - Adding decibel requirements to the CUP in both Item 18 and the Exhibit for Step 1.
  - The applicant will only need to get approval for Steps 2 and 3 if they change what the CUP allows.
  - After discussing roadway concerns about building the road in stages, passing other vehicles on a 14-foot chip sealed road may cause dust and throw gravel, and options for pullouts and controlling dust, the ICPC members determined the CUP requirements were acceptable due to the flatness and site distance available with the road.

**Public Comments:**

The ICPC members agreed to allow public comments.

Chair Tullis asked if the public had any comments.

No comments were made.

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

Chair Tullis read the Review and Findings (17.28.050).

All ICPC members agreed the application meets the criteria.

**Motion:** Roger Thomas made a motion to grant the Conditional Use Permit for the 34.12-acre property identified in Agenda Item #3 having found the application to be in compliance with the requirements of Iron County Land Management Code, specifically 17.28.050 with modifications for calling out the decibel level and the sound barrier as discussed.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**4. ZONE CHANGE APPLICATION – “R-2 to LI” (2.0 Acres)**

**Located near 5700 W and 450 N, Cedar City, UT. (APN: E-0188-0002-0000)**

*Applicant: Deb Nelson*

**Introduction:**

Reed Erickson shared the following:

- The location of the property is between Hwy 56 and Iron Springs Road, located in the Tier II boundary adjacent to property within Cedar City boundaries.
- Cedar City's annexation plan is included for the ICPC to review with the Zone Change Application.
- Cole Ashdown owns the 2-acre property to the north. He is agreeable to change his lot to Light Industrial (LI) so his R-2 zoned property is not an island in the middle of LI zoned properties, as long as he can continue to use the property as rental property. The county will provide a letter for Mr. Ashdown stating the lot is a pre-existing lot so renting for residential may continue as specified in the non-conforming section of county code.
- The applicant and county are working with the adjacent property owners to the east to allow access because the west side of both properties will be along the proposed 5700 W belt route.
- The staff recommends that Mr. Ashdown's property be included in the zone change.

**Public Hearing:**

Chair Tullis opened the public hearing and read the Zoning Considerations.

- Kristen Hunter shared:
  - She lives across the street west of the Nelson property.
  - Ashdowns are on “her well”, but the Nelsons do not have water. She is over the water company and the well will not be able to handle LI use.
  - 5700 West will not handle truck traffic as it is. When Big Ben's Storage was built along 5700 West, the roads were never returned to their original condition. She needs reassurance the roads will be replaced.
  - Big Ben's Storage does not have downward facing lighting and wants this CUP to include downward lighting. The County Ordinance Sections 10.12.33 and 16.35.030 say downward facing light is required and must be turned on and off at certain times. She recommends they be motion activated and stay on for only 15 minutes.

**Planning Commission & Staff Discussion:**

- Terry Palmer thanked Ms. Hunter for sharing her concerns and said he would look into the lighting at Big Ben's Storage and shared that the staff is discussing the creation of a dark sky ordinance.
- Rich Wilson agreed to look into the road issues.
- Mike Platt asked if Ms. Hunter's concerns would be addressed when a CUP application came in, and conditions determined.
- Terry explained that these concerns would be addressed with a CUP or with a building permit, and that they do have the ability to pull water to the property from the Water Conservancy District.
- Reed reviewed the requirements for the LI zone and the staff agreed this zone change meets those requirements.

**Close Public Hearing:**

Chair Tullis closed the public hearing.

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

**Motion:** Mark Halterman made a motion to recommend that the Iron County Commission approve the zone change in agenda item #4 along with the 2-acre property adjacent to the north.

**Second:** Seconded by Mike Platt.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**5. ZONE CHANGE APPLICATION – “A-20 to LI” (204.22 Acres)**

**Located near 5900 W to 6900 W Silver Hills Parkway, Cedar City, UT. (APN: E-0180-0002-0000, E-0181-0000-0000, E- 0183-0000-0000 & E-0184-0001-0002)**

*Applicant: Fiddlers Canyon, LLC, represented by Go Civil Engineering*

**Disclosure:** Chair Tullis disclosed she has a professional relationship with applicant so she will not be voting.

**Introduction:**

Reed Erickson shared the following:

- This application is for a 204-acre property currently zoned A-20.
- Several adjacent properties have been rezoned to Light Industrial (LI) within the last 2 years.
- Silver Hills Pkwy gives access to the applicant's property.
- All adjacent property owners were notified of this public hearing.
- If this is approved as proposed, one adjacent property will be an island of A-20 within the LI zone. The owner did not respond to the letter, and since the County does not have a phone number, the ICPC could assume they are in agreement with the zone change.
- The staff would like to include the adjacent property with this zone change, but it is up to the ICPC to determine whether to include it or wait and continue to try to reach out to the property owner.
- The applicant's property currently has water from the Water Conservancy District.
- The lots on the north end of the applicant's property are 5 acres and are allowed to have septic systems, but if they ever desire to change to less than 5 acres, sewer will be required. Sewer is being planned nearby at Iron Springs Road and along 6725 West.
- The LI zone is feasible with the infrastructure currently available and for what infrastructure is being planned.

ICPC clarified the following with the staff:

- The current map does not show the previous lot line adjustment on the applicant's property.
- The staff could continue to try to contact the property owner that will be an island of A-20 within LI zoned property and, if they agree, this could be presented and explained at the County Commission meeting before approval.
- There is no vesting in zoning and that is part of the reason the County deals with zoning as a legislative process. because there is no “right” to keep it zoned or re-zone, which is why the ICPC is allowed to make that recommendation. The only time anyone is entitled to retain zoning that already exists is when they have a complete land use application submitted.
- The adjacent property does not appear to have any activity on it.
- One of the main differences between A-20 and LI is that residential is not allowed in LI.
- Staff will try to contact the property owner prior to the May 12, 2025 County Commission Meeting.

**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 stated that the staff and ICPC discussion has covered all the rezoning considerations.

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

**Motion:** Erick Cox made a motion to recommend to the Iron County Commission that the 204.22 acres zone change from A-20 to LI for Agenda item #5 be approved with the inclusion of the additional 20 acres of island property with attempts made to contact the property owner and make them aware of the proposal, absent their objection.

**Second:** Seconded by Mike Platt.

**Discussion:** Roger Thomas asked that Reed inform the County Commission about the attempts to contact the property owner and the results of those attempts.

**Motion Passed:** (Voting: Michelle Tullis, abstained; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**6. ZONE CHANGE APPLICATION – “A-20 to IA” (87.58 Acres)**

**Located near 1600 S 500 W, Beryl, UT. (APN: E-1409-0001-0002 & E-1410-0003-1410-04)**

*Applicant: Escalante Farms, LLC, c/o Jared Holt*

**Introduction:**

Reed Erickson shared the following:

- The application is to rezone 87.58 acres, south of Beryl Junction along SR-18 west of Newcastle, from Agriculture 20 (A-20) to Intensive Agriculture (AI).
- Surrounding properties include A-20, Commercial (C), and some Residential 2 acre (R-2).
- IA zoning requires an 80-acre minimum unless it is adjacent to an existing IA zone. The applicant did a lot line adjustment so that this parcel is 87.58 acres now.
- The zone change is needed before the applicant applies for a CUP for a Type VI Animal Operation, which is the next agenda item.
- The approval of the CUP is contingent upon the County Commission approving the zone change.

To explain the purpose of the zone change, Reed shared the following about the proposed CUP:

- The proposed CUP is for a lagoon facility to help handle the sewer effluent from the dairy.
- The setbacks are 200 feet off the property lines, from the road, and from any other well or water source.
- The road that goes to the pivot will be re-routed along the west side of the new lagoon.
- The lagoon is 50-acre-feet of water, and is approximately 400 feet by 350 feet, which is  $\frac{1}{4}$  the size of the most recently built lagoon they have on another property to the east.
- The applicant provided drawings associated with the size and dimensions, showing it would be closer to several pivots in an area that would serve effluent from the lagoon.
- The application is also governed by the State of Utah with a nutrient management plan and the lagoons are permitted through the Dept. of Environmental Quality Water Division (DEQ).
- The applicant currently has the ability to apply effluent without a lagoon, but the lagoon allows them to stage the effluent, mix it, dilute it, and apply it to crops quicker than with the current lagoon system.
- Currently, applying the effluent in the fields occurs about 20 days in the Spring and 20 days in the Fall. With the new lagoon, the time is expected to be reduced to 14 days each.

### **Public Hearing:**

Chair Tullis opened the Public Hearing and read the meeting considerations. The following comments were made:

- Jeremy Hunt shared that he lives north of the property, his front door is 70 feet from the property where effluent will be land applied, and asked what can be done if the odor is unacceptable, hoping this would be addressed in the CUP.
- Robert Nelson stated he is in opposition of the project and provided an email and written statement of his reasons, which include:
  - Health and safety concerns for the 100 people living within one and a quarter miles of the proposed location.
  - The potential droplets from the fluid being a major concern and a catastrophe waiting to happen.
  - The Newcastle area has already been damaged because the process is already happening there. If canvassed, he thinks there will be many people with symptoms relative to the side effects of the operation.
  - He has smelled the current lagoons several times a year.
  - He feels the property values will go down and will affect him and his neighbors financially, especially if this is the first phase of many to come.
  - He wants to be heard and his research considered.
- Jared Holt, applicant, asked to respond and stated the following:
  - Addressing Mr. Nelson, he shared they were not aware of his concerns, but would like to respond to them.
  - First, the nutrient management plan by NRCS has recommended a way to improve air quality in the Newcastle area with a digester. Covering the lagoon will capture the gasses. They expect the odors to be cut in half. The changes will begin in October.
  - Secondly, they plan to improve the water quality by moving the application of the effluent further west. They did do that with the second lagoon and are now doing that with this one.
  - They currently have the right to apply the effluent, with the current Nutrient Management Plan in place, to any of those pivots near the new lagoon site.
  - Originally, the challenge was that the lagoon was shallow and flat, a contractor had to clean it out, there was not enough sludge storage, they were applying effluent every month, and it was not designed well. They are redoing it all: adding a digester in that area, putting in another storage lagoon, relining it, adding a pump to control the sludge, and applying effluent only in the Spring and Fall.
  - By moving it further west, per NRCS's request, it will reduce application to 14 days in the Spring and 14 days in the Fall.
  - When applying, they will use LEPA irrigation systems so it is essentially dropping the fluid at ground level so it will not go into the air.
  - Application will not happen on alfalfa and not often on corn. They will apply it to triticale so the application will not happen every year in areas that are going to be of concern.
  - When applying effluent near Newcastle, if the neighbors call and say the winds have changed, they will turn it off.
  - Having more storage will dilute the effluent more. This also solves a public safety issue to have more storage.
  - They hope to prove they are working to get the odor down with less droplets in the air by moving to a closer lagoon, diluting the effluent more, and applying closer to ground.
- Robert Nelson added his concerns regarding:
  - Storm water and applied effluent mixing in the ground and getting into the ground water.
  - Prevailing winds picking up effluent and pushing it into the air causing breathing concerns.

- The location needs to change, not the idea. Proximity of the church, school, and residents are very close, and in the path of prevailing winds. This is similar to when past bombs were detonated that were thought to be safe, but later all became downwinders.
- The ICPC should prevent this project, so health issues don't have to be mitigated later. One dead person is too many.
- Jared Holt responded:
  - First, the uptake of water from the 200-acre foot lagoon is not like flood irrigating was done 40 years ago. The plants will be watered and nothing more.
  - Secondly, the 200-acre foot lagoon has been there 5 years and they are not seeing what he is saying about it affecting the ground water. The groundwater is very pure and is closely monitored. The nitrites in the ground have changed very little and are tightly controlled by the DEQ through continuous monitoring.
  - Third, the 200-acre foot lagoon is in area with clay. DEQ was involved when they drilled down below the barrier, they found that the soil below was bone dry. They have not had ground water issues at the dairy or the lagoon. They have no intention of storing year round water in the lagoon. Unless they have an emergency, they will not run water just to run it because of the pumping costs. They will run water over for a weekend and stage it for immediate use.
- Robert stated that it does not matter if it gets in the ground, but if it is in the dirt, it becomes a dust particle.
- Jeremy Hunt asked about the dilution rate and having access to DEQ information.
- Jared clarified the dilution rate minimum would be 1 to 1, but it is more like 9 to 1. The amount of dilution is determined by how much they can pump from Friday at 5:00 pm to Monday at 8:00 pm.

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

Chair Tullis closed the public hearing.

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

Erick Cox asked and Jared Holt clarified they will pipe the water and that it will not be trucked.

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

**Motion:** Dennis Gray made a motion to recommend to the Iron County Commission that the zone change from A-20 to IA for the 87.58-acre property in agenda item #6 be approved.

**Second:** Seconded by Roger Thomas.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

### **7. CONDITIONAL USE PERMIT APPLICATION – “Type VI Animal Operation” (87.58 Acres)**

**Located near 1600 S 500 W, Beryl, UT. (APN: E-1409-0001-0002 & E-1410-0003-1410-04)**

*Applicant: Escalante Farms, LLC, c/o Jared Holt*

#### **Introduction – Review:**

Reed Erickson shared the following:

- This CUP application for a Type VI Animal Operation is eligible for consideration, but is contingent upon the approval of the zone change in Agenda Item #6.
- This is a separate CUP, but references the dairy CUP previously approved because it is the staging lagoon for the other operation.
- The draft CUP outlines conditions that monitor and address the lagoons and how they are constructed and operated.
- Jared Holt has reviewed the draft and is agreeable with the conditions that were proposed.
- Mitigations that the CUP identifies include:
  - Compliance with EPA groundwater monitoring.
  - Property identification markers/fencing.
  - Compliance with Section 17.30.080 regarding odors.
  - Dust control during construction.
  - Setbacks.

Roger Thomas asked Rich Wilson if he agreed with the science and the TDS based on the Iron County water management plans.

Rich responded:

- He does agree with the science.
- TDS means Total Suspended Solids, which are the solids that do not transfer easily (they don't percolate through the ground well).
- The one thing to be concerned about is the nitrogen levels over time. DEQ is monitoring it and we learned from Mr. Holt that they have not had an issue due to the lining.
- The science of soils using drip irrigation is called atomizing. When the particles are broken down, they do not travel with the wind and they literally stick to the soil.
- In the US, the estimate is that the percolation and absorption would hit the aquifer in about 100 yrs. When the soil is clay, the number of years increases.
- For reference, when the setback required is 100 feet, 90% of all treatment out of a typical residential septic system happens in the first 2 feet. The remaining 98 feet is just buffering.
- He does not want to minimize Mr. Nelson's concerns because they are legitimate, but the DEQ knows what is needed based on their experience.

Kimball Holt explained:

- To keep nitrate out of the soil, the effluent is being applied directly onto the plants, not just on the ground.
- Triticale uptakes a massive amount of nitrogen and puts it into growth so it does not have percolation of nitrogen in the soil.
- Alfalfa creates its own nitrogen so effluent is not applied to alfalfa.
- During the application of effluent, there will be a smell for those 20 days, which they hope to reduce to 14 days. Afterward there is very little smell.
- They work as fast as they can, use the diluting factor, and apply it to plants that are already greening up so they uptake the nutrients immediately.
- In the past, the odor from the lagoon was due to a 4 to 5 foot sludge layer. With the digester, it should have significantly less volatile solids as they are essentially breaking down all year long and a significant amount will be destroyed in the form of burning methane.

Jared Holt shared:

- The lagoon is designed to have a 1-2 foot area where the fluid will not be picked up by strong wind, and they will adjust the depth as needed. They will rarely store it in the lagoon except just prior to spraying.
- The sludge goes first to the digester, then to a storage lagoon, then to the staging lagoon, then to the west staging lagoon, and finally to the station unit. Solids will drop out along the path or they will dilute it.

#### **Public Hearing:**

Chair Tullis opened the public hearing and asked the attendees to follow the meeting considerations. The following comments were made:

- Jeremy Hunt expressed he was not sure what all is considered for CUP's, and asked if water in the ICPC's realm of knowledge.
- Erick Cox responded that the ICPC has discussed residential septic requirements and nitrate levels for the past 2 years.
- Rich Wilson shared that he designed waste water for 17 years and regulated them for 8 years so he has expertise in water and septic.
- Jeremy asked for details on effluent getting into their regular irrigation lines that are interconnected and what safeguards are in place.
- Kimball Holt shared that every farmer is supposed to have a backflow valve. They always have a backflow valve and add an additional valve if it is connected to effluent, so if the first valve fails there will be the backup. All their lines have these valves installed.
- Robert Nelson stated that in the application, it indicates they are asking for approval for an animal operation up to 2000 cows. He asked if this is the first phase of many and noted they did not address items "e" and "f", but have given information that indicates their intent in this meeting.

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

Chair Tullis closed the public hearing.

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

- Roger Thomas clarified:
  - This CUP is for the lagoon and not about growth of the dairy. The applicant would have to get approval for any growth.
  - He appreciated that Mr. Holt listened to the neighbors when they called him.
  - The Dairy has been there a long time and the owners are making a strong effort to make it better.
- Rich stated that the applicant is willing to turn off the spray if needed and their practice is to listen to neighbors.
- Erick Cox read the Review and Findings (Section 17.28.050, Section A). The ICPC agreed the requirements were met with the mitigations discussed.
- Reed noted that Section B is for added conditions as have been added to the CUP.

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

**Motion:** Mike Platt made a motion to approve the CUP for the 87.58 acres for Agenda Item #7, contingent on the zone change approval by the County Commission, having found the application to be in compliance with the requirements of the County Land Management Code, specifically Section 17.28.05.

**Second:** Seconded by Erick Cox.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

### **8. PRELIMINARY SUBDIVISION APPLICATION – “Painted Desert Subdivision, Phase 2” 32 Lots (20.23 Acres)**

**Located near 5100 N 2300 W, Cedar City, UT.**

*Applicant: Performance Real Estate, LLC, represented by Go Civil Engineering*

#### **Introduction:**

Reed Erickson shared the following:

- This application is for Phase 2, includes 32 lots, and is located south of Phase 1 off Midvalley Road and west along 2300 West near a recently approved R4K subdivision off Midvalley Road.
- When a subdivision is more than 11 lots, it comes before the ICPC for approval.
- The planned sewer line will come from Rancho Bonita Subdivision, Phase I and II, runs down to its own sewer lift station in the northwest corner of Painted Desert Phase I, and then is lifted back out to 2300 West.
- The planned road accommodates for the sewer line and the application meets the County subdivision requirements.
- The continued discussion is regarding variances for streetlights, fencing, and curb/gutter/sidewalk to match what was approved in Phase 1.
- The County is interested in having developments include street lighting in critical areas. The applicant does not believe streetlights are needed because all the houses are required to have photocell lights on the front of each house to light up the area.
- The staff has discussed adding streetlights with the power company and are awaiting more information.

- All requirements were reviewed for the R-1/2 zone and the only variations are street lighting and fencing.
- Fencing of each phase does not make sense so that is not an issue.
- There is no public hearing for this, but the adjacent property owners were sent letters and they have 10 days to make comments so changes may be incorporated if needed.
- Construction drawings are in process and will be reviewed by staff.
- Arlo Fawson, with Go Civil, is here to answer questions.

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

The ICPC and staff discussed the following:

- Painted Desert Phase 2 giving Homestead Meadows an easement for sewer.
- Responsibility of County vs Developer to pay for lift stations.
- Additional staff meetings have been scheduled to discuss the limit of hook-ups allowed to the lift station before having to upsize, the County's collection of a lift station upgrade fee, and impact fees.
- Hook-up costs are in 2 stages: \$348 for sewer upgrade and an impact fee of approximately \$750 per homeowner.
- Phase 3 will be flat and a portion may not be included in the lift station.
- No curb and gutter in Painted Desert Phase 1 and Estates at Sunrise Ranch worked well, even though the owners got concerned when water was sitting in the retention basin. The basin did what it was supposed to do.
- Variations to subdivisions may need to stop being granted since the conclusion is often that if it was done before, it can be done again.
- Allowing Phase 2 to match Phase 1 of same development seems logical.
- Meetings with staff and County Commissioners are needed to discuss street lighting power payments before determining a lighting variation for future subdivisions.
- The staff is waiting for the power company to provide details regarding lighting costs and maintenance before determining the post height, how far apart, times lit, safety, and maintaining a dark sky.
- PUD's with narrow streets may have enough front house lighting without posts due to the street width being only 20 to 24 feet.
- Encouraging the County Commission to approve a safe lighting and dark sky ordinance due to the density of housing and high traffic at intersections.
- The current Safe Street for All (SS4A) project has brought the need for the ordinance for lighting at intersections to the Commissioners attention.

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

**Motion:** Mike Platt made a motion to approve the Preliminary Subdivision Application in Agenda Item #8, having found it to be in compliance with the requirements of the Iron County Land Management Code, specifically Chapter 16.12.

**Second:** Seconded by Erick Cox.

Reed clarified that fencing is not required all the way around Phase 2 because it was not required in Phase 1, but the developer is putting in block walls.

**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

### **9. General Plan Amendment - Tier III & IV and Zoning Change Discussion (Summit & Newcastle areas)**

#### **Located in the Tier III areas of Summit and Newcastle**

*Applicant: Iron County*

#### **Introduction:**

Reed shared the following:

- The County Commission has approved changes suggested by the ICPC for Kanarraville, Parowan, and Paragonah.
- The discussion tonight is a continued discussion regarding Summit and Newcastle's Tier IV and Tier III areas.
- Beryl is not currently part of the discussion because it was not part of the Septic Density Study and even though there are many lots, they are pre-existing lots and no property less than 20 acres will be subdivided.
- The purpose of a Septic Density Study is to preserve groundwater so the studies were done in areas in the County with larger concentrations of existing and potential septic.
- The original 1995 Tier system was significantly amended in 2005 and it is time to update it to incorporate the Septic Density Study information regarding current nitrate levels, acceptable nitrate levels, the number of septic tanks that currently exist, and the number that should be allowed in any given area.
- A Summary of the Tiering Systems is as follows:
  - Tier I: Urbanized Area available for Urban Growth within existing municipal boundaries.
  - Tier II: Urban Expansion Area for Urban Growth within a reasonable proximity to existing municipal boundaries that are eligible to be annexed.
  - Tier III: Land available for Urban Growth that can be developed as a new master planned community, village, or resort.
  - Tier IV: Areas generally appropriate for agricultural uses and rural densities due to remoteness from infrastructure.
- Regarding the proposed changes to the Newcastle area:
  - The original Septic Data Analysis showed there are 105 septic systems in the study area and 364 existing lots. The allowed number of septic systems is 220 to be able to stay at or below the 3.5 contamination level. That means 144 of the existing lots should not have septic.

- To address the issue of the 144 lots, the study area was made smaller, the lots were reviewed, and it was determined the minimum lot size should be 10 acres per septic for any new subdivision.
- Changing the Tier II and Tier III area sizes around Newcastle allows more ability to grow, and clears up the confusion that property owners have about how they can divide their property.
- The staff is proposing to reduce the Tier III area and buffer that with zoning for A-20 and some RA-20 so that it does not allow the heavier impact of Industrial or Commercial agriculture uses area.
- Regarding the proposed changes to the Summit area:
  - A 10-acre minimum per septic system is also the requirement for Summit.
  - The Septic Density Study did not follow the existing Tier IV or Tier III boundaries because better overall analysis needed to be made showing where wells were and what the lot sizes were.
  - The staff is proposing that the Tier III boundary reflect the growth changes based on the Septic Density Study.

**Planning Commission and Staff Review/Discussion:**

Reed will email out the proposed changes for both Newcastle and Summit, including the slides shown tonight, for the ICPC to review and give feedback.

**No Action Required.**

**10. ELECTION OF OFFICERS**

**Chair and Vice-Chair**

**Introduction:**

Reed Erickson explained the following

- The election of the Chair and Vice-Chair is done annually.
- County Ordinance 17.08.030 states the planning commission shall elect one of their members as chair and one of their members as vice-chair and that no member shall serve as chair for more than two consecutive terms.
- Last year the ICPC elected a new chair and vice-chair and they could continue through this year.

**Planning Commission Action – (Elect or re-elect officers for 2025):**

**CHAIR**

**Open Nominations for Chair:** Chair Tullis opened nominations for Chair.

**Nomination for Chair:** Chair Tullis nominated Erick Cox as Chair.

**Second:** Seconded by Roger Thomas.

**Accept:** Erick Cox agreed to the nomination.

**Nomination for Chair Passed:** All in favor (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**VICE-CHAIR**

**Open Nominations for Vice Chair:** Chair Tullis opened nominations for Vice-Chair.

**Nomination for Vice-Chair:** Mike Platt nominated Jared Christensen.

**Second:** Seconded by Mark Halterman.

**Nomination for Vice-Chair Passed:** All in favor (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**11. MINUTES...** consider approval of minutes for the April 3, 2025 meeting.

**Motion:** Mike Platt made a motion to approve the April 3, 2025 minutes with the correction on agenda item #8, page 7, to change "night pollution" to "light pollution".

**Second:** Seconded by Erick Cox.

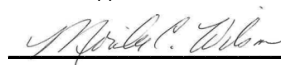
**Motion Passed:** (Voting: Michelle Tullis, aye; Erick Cox, aye; Mark Halterman, aye; Roger Thomas, aye; Dennis Gray, aye; Mike Platt, aye)

**12. STAFF REPORTS...** A. Building Department      B. County Attorney      C. Planner & Services Coordinator  
No reports given.

**13. ADJOURN**

Chair Tullis adjourned the meeting at 8:07 pm.

Minutes Approved June 5, 2025 by the Iron County Planning Commission



6/6//2025

**IRON COUNTY, UTAH IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**June 5, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting, June 5, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox – Chair  
Jared Christensen  
Roger Thomas  
Dennis Gray  
Michelle Tullis  
Mark Halterman

**Member Excused**

Michael Platt

**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**

Lauri Borski  
Sharon Canada  
Keith Gilbert  
Bruce Barton  
Jash Harker  
Dennis Gardner  
Gail Heath  
Jennelle Zajac  
Leisa Jaime  
Arlo Fawson  
Jed Andreason

**Representing**

Chekshani Cliffs HOA  
Self  
KSG Enterprise  
Chekshani Cliffs  
Self  
Self  
Self  
Self  
Self  
Go Civil  
Self

**Others Present**

Cynthia Long  
Dayla Ulrich  
N\_\_\_\_\_  
Michelle Vargas  
Mary Gardner  
Lisa Cobb  
Mayor Millie Halterman  
Larry Zajac  
Ty Vinny  
Nathan Janes  
Sherri Carlson

**Representing**

Craig & Ann Barton  
Self  
Self  
CCC  
Self  
Self  
Parowan City  
Self  
Self  
Self  
Self  
Self

*Note: Others in attendance did not sign in.*

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Cox opened the meeting at 5:32 pm.  
Jared Christensen led the Pledge of Allegiance.

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

Chair Cox opened time for public comments.  
No comments were made.  
Chair Cox closed the public comments.

**3. CONTESTED ALUP APPLICATION – “Guest House” Kartchner Living Trust (1.59 Acres) 1976 S Chekshani Cliffs, Kanarraville, UT (APN: E-0401-0006-0048)**

**Introduction:**

Reed Erickson shared the following regarding the contested ALUP Application:

- Administrative Land Use Permits were added to the County’s ordinance to help manage customary and frequent applications and to help streamline and shorten the process.
- The difference between an Administrative decision and a Legislative decision is:
  - Administrative permits are clear in the ordinance, they are reviewed by the staff, and mitigation conditions may be added when concerns arise (approval by staff and/or planning commission).
  - Legislative permits are also in the ordinance, are reviewed by the ICPC and/or County Commission, and there is less discretion by the ICPC and the County Commission regarding approval and mitigations.
- When a staff approved ALUP is “contested,” the application is brought before the ICPC for additional review.
- The contested application being reviewed by the ICPC at this meeting is for a guest house which is a allowed use in an R-1 zone.
- The State and County use the term ADU “Accessory Dwelling Unit” differently. The State refers to an ADU as an internal unit, meaning it has to be within the footprint of the primary dwelling and they require that all local units allow this. The applicant’s property is located



in Chekshani Cliffs, south of Kanarrville, and is zoned R-1. This property currently has 1 primary dwelling. The County ordinance says 1 guesthouse is allowed in an R-1 zone with an ALUP.

- The proposed new building is for a dwelling, a large garage, and an in-home office.
- The property owner has indicated that the building was never intended to be used as a short-term rental.
- Many subdivisions have CC&Rs and some prohibit what the county ordinances allow. The county does recognize the CC&Rs, but does not enforce them. The County will grant what the County's ordinance allows, even when in conflict with CC&Rs.
- The applicant has 1.59 acres, has water through the CICWCD, and a new septic system design approved by the SW Public Health Dept. for the guest house.
- The letters received by those contesting the ALUP application include two main issues:
  - The guesthouse would be a detriment because it will unreasonably interfere with the neighborhood compatibility.
  - The application would be injurious to property and/or improvements in the vicinity.
- Mitigation suggestions by the staff include:
  - Maintain setbacks including vegetation blocking.
  - Minimal downward lighting.
- No public hearing will be held at this meeting, but the ICPC may consider allowing those in attendance to speak.

Chair Cox noted that the ICPC reviewed the HOA letter and Reed's comments, and asked if the attendees had anything in addition to share.

Comments made by the public included:

- Two of the seven adjacent property owners have contested, one owner called instead of sending a letter.
- They bought property in Chekshani because the CC&Rs state no guesthouses and no commercial use.
- He researched townhouse codes because a townhouse would be considered a home occupation.
- The applicant circumvented the CC&Rs and went directly to the county.
- The first time he heard of the proposed guesthouse was the County's letter.
- Approval of this will set a precedent and environmental adverse effects (including septic issues) may occur if other lot owners challenge the CC&Rs.
- The guesthouse would require a septic, which could have adverse effects if others do the same.
- The County should deny this request.
- The HOA doesn't want to have to litigate.
- Concerns that the fishpond shared with 4 neighbors, including the applicant, would increase liability with a guesthouse.
- When Kartchner's applied to the HOA architectural control committee for an RV barn/workshop, they did not mention a guesthouse.
- The Kartchners wrote a letter to the HOA that said they read all the HOA rules and procedures and that they agree with them, but then they went to the county for a guesthouse approval.
- The applicant says it's not an Airbnb, but we cannot trust them based on past experiences.

Clarification made by the staff and ICPC members included:

- The applicant's diagram showed 4 adjacent owners, but the County sent eight letters, including the applicant.
- The applicant is not in attendance.
- If the property is ever sold, the current owner's intent is not binding for the future owner, which is true for any home in any subdivision.
- If the ICPC directs staff to approve the ALUP, the ICPC does not need any kind of approval from the HOA because the two processes are separate.
- The application does meet all the requirements to approve the ALUP including Item #6 of the ordinance. There is no justification to not issue the permit.
- The County is not restricted by CC&Rs. First, there is the Utah Constitution and state code, then the County Ordinances, and then to the community's CC&Rs. The community cannot restrict the County and the County cannot restrict the State. The community may enforce their rules the same way as enforcing a contract.
- Each of the HOAs set different CC&Rs, but the County has to apply its ordinances uniformly across the County noting guesthouses are allowed in all residential zones across the county. The CC&Rs are civil agreements, not legislative regulations. The issue is a private or civil matter and the County should not be pulled in to resolve it.
- When asked about the HOAs recourses, Chair Cox shared that in his subdivision, a \$50 fine is issued each week to remedy an issue and then the HOA can file a lien that would stay with the property. The HOA cannot foreclose, but can add additional fines.
- The Kartchner's submitted the ALUP application when the county informed them it was required.
- The County does not refer to CC&Rs in their permitting process because they are out of the County's jurisdiction.
- If it can be proven that the application is not in compliance with county ordinances, the County can deny the application.

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

**Motion:** Dennis Gray made a motion to direct the Iron County Staff to issue the “Contested” Administrative Land Use Permit for the Kartchner Family Trust for the property identified in agenda item #3.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

**4. CONDITIONAL USE PERMIT APPLICATION – “Travel Trailer Park” Four spaces (140.26 acres) Located near 3900 S 6100 W, Cedar City, UT (APN: E-0261-0026-0000)**

*Applicant Harker Ranch, c/o Paul Harker*

**Introduction:**

Reed Erickson shared the following:

- The next three agenda items are Conditional Use Permits (CUP) so the same procedure applies to each, meaning:
  - The CUP is presumed to be granted because it is an allowed use.
  - If any mitigation is needed, they will be identified in the CUP.
- The property is located off 4000 S (Vandenburg Rd) and 6100 W.
- The applicant's property is zoned Residential Agriculture 20-Acres (RA-20). Nearby properties are zoned Commercial (C), RA-20 and A-20.
- The Fire Department will make sure the layout of the trailer park has proper fire protection and ingress/egress.
- No property owners contacted the County with concerns, but the staff looked at traffic and road conditions.
- A public hearing is required for this CUP.
- Josh Harker is in attendance representing the applicant. He was invited to share additional information, but had no comments.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments made

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Commission and Staff Discussion:**

- Reed reminded the ICPC to review Section 17.28.050 to determine if the CUP meets the criteria, which was done.
- Jared Christensen made a disclaimer that he does business with Paul Harker, but will vote on the item.

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

**Motion:** Mark Halterman made a motion to grant the Conditional Use Permit for the 140.26-acre property identified in agenda item #4, having found the applicant to be in compliance with the Iron County Land Management Code, specifically Section 17.28.050.

**Second:** Seconded by Michelle Tullis.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

**5. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” Sand and Gravel Pit (5.0 Acres) Located near 4751 N Gap Rd, Parowan UT (BLM property)**

*Applicant KSG Enterprise, LLC, c/o Keith Gilbert*

**Introduction:**

Reed Erickson shared the following:

- The proposed CUP is located on BLM property off GAP Rd south and east of the mouth of the canyon on the west side of Gap Road.
- The applicant has a lease with BLM on a 200-acre mineral claim.
- The pit is in a specific limited area consisting of five acres.
- BLM and DOGM (Utah Division of Oil, Gas and Mining) regulate these types of projects.
- Access to pit is off Gap Rd heading west; not off the old road to previous surface mines.
- The adjacent properties are zoned A-20 and RA-20.
- Our ordinance calls this a surface mine, which is really a gravel pit, an allowed use.
- Potential impacts include dust, increased traffic, and noise.
- Recommended mitigations include:
  - Dust control using a water truck, etc.
  - Road improvements for the main haul road.
  - Minimize track out.
  - A separation distance of approximately ½ mile from any residence.

- Property ID markers/fencing around the project area.
- Operating hours are identified in the CUP conditions.
- Keith Gilbert, representing the applicant, added:
  - They have been through a cultural study and environmental study and both were approved by BLM.
  - Due to their tight schedule, they went into contract on March 18<sup>th</sup> and were approved by BLM to begin clearing the land.

#### **Public Hearing:**

Chair Cox opened the public hearing and read the public hearing considerations.

Concerns were shared regarding the following topics:

- The mineral claim and potential use of the entire 200 acres.
- BLM does not allow surface breaks from March to July and current operations are happening now.
- The potential impact on the Gap archeological features.
- The Paiute Tribe not being aware of the proposed pit.
- The visitors to the Gap and safety of children and adult bike riders and runners.
- The increased traffic, the potential impact on the roads, and the travel path of trucks along Gap Rd and 600 North.
- Dust control generally and during windy times. Lack of water to manage dust.
- Future plans to produce asphalt.
- Hours of operation.
- Land Reclamation.
- Finding another location for the project possibly where the pit can be used for water retention.
- Decrease in property value.
- Current activity on the site, required approvals, and lack of compliance.
- The County reviewing BLM permits.
- Approval of this CUP opening the door for the applicant to do more.
- BLM's requirements regarding the habitat of migratory birds and the pigmy rabbit from March 1 to July 30<sup>th</sup>.
- The noise level of the operation.
- BLM following their own mission statement.
- The County should deny the CUP.
- A review of the potential impacts and mitigations.

Clarifications of statements made by the public from the ICPC, the staff, and the applicant included:

- The applicant has staked a legal mining claim on the 200-acres and are allowed to claim minerals.
- The County's permit requires they have to be in BLM compliance to get County approval.
- When starting an operation, it takes time to get operational. They have cleared a road and have been importing rock to cap the roadway to the mine in anticipation of mitigating dust, as a good measure.
- The applicant did request a hot plant, but is not an allowed use in the A-20 zone, which is the zoning of this property. A hot plant requires an industrial zone, therefore, it is not being considered in this application. This application is only for the mining of sand and gravel.
- The hours of operation on their application are 6am to 8pm. The A-20 zone has no restrictions of hours of operation, they do plan to be able to run seven days a week, and they will travel the closest, fastest way to get the product to the customer's jobsite.
- Once the trucks leave the property onto county roads, there are no restrictions on the use of county roads, and the county does not restrict the applicant's use of a public roadway.
- Other road travel options include 2200 W and 2200 N.
- Due to the confrontational comments made toward the ICPC and staff, Mark Halterman stated the public is getting one warning that this is a public meeting and to respect it or leave.
- Reed shared that the CUP is a recorded document and the County requires copies of the BLM and DOGM approvals.
- The County does not regulate or enforce the detailed requirements of permits given by BLM.
- The tight timeline is a BLM issue and the applicant stated that BLM approved to have it cleared.
- Reed stated the County is authorizing a CUP only. Procedurally BLM issued the permit, which includes reclamation plans, air quality, etc.
- The County is responsible to only mitigate any foreseeable adverse impacts of a CUP that is an allowed use in the A-20 zone.
- UDOT requires gravel loads be covered if traveling on the highway/freeway.
- The County ordinance does not list any kind of decibel level, other than what is in the nuisance ordinance, but that could be addressed.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

The following was discussed:

- CUP item #1 addresses port-a-potties.
- Requirements to limit track out.
- Utah Storm Water Pollution Prevention Plan (SWPPP).
- Road impact is no different than farming equipment or any other trucking operation.
- Possibly limiting starting hours to 7:00 AM, but determined County noise ordinance allows 6:00 AM for an A-20 zone.
- Fencing or identification signs required around the site.
- Downward directed lighting.
- Applicant required to submit all permits or pre-approval letters.

Chair Cox read the Review and Finding (Section 17.28.050)

Reed noted there are no wetlands or steep slopes, plus, 20 additional conditions have been added as part of the CUP.

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

**Motion:** Roger Thomas made a motion to grant the CUP for the 5-acre property identified in agenda item #5 with the modification to add the SWPPP language, 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: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

6. **CONDITIONAL USE PERMIT APPLICATION – “General Industrial and surface mining” Asphalt Hot Plant and Sand & Gravel Pit (24.78 Acres) Located near 1441 N Granite Mountain foothills loop Rd, Cedar city, UT (BLM property)**

*Applicant: KSG Enterprise, LLC, c/o Keith Gilbert*

**Introduction:**

Reed Erickson shared the following:

- This CUP application is also from Keith Gilbert.
- The project is located off Desert Mound Road east of where it runs into Comstock Road and east of the railroad track on a road called Granite Mountain Foothill Loop Road.
- The site is located on BLM and SITLA (State Trust Land).
- The property and all adjacent property is zoned Industrial.
- The potential impacts include dust, noise, traffic, etc. Also, emissions, particulate matter, and carbon dioxide from the hot plant.
- The DEQ regulates and monitors the emissions.
- The applicant has provided the leases/permits from BLM and SITLA.
- The applicant plans to have a surface mine (sand & gravel) and an asphalt hot plant.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Jared Christensen read the Review and Findings (Section 17.28.050)
- Rich Wilson requested to add to Condition 9, prevention of track out by having a smooth transition of at least 50 feet of pavement to existing pavement, instead of from dirt to chip seal.
- Keith Gilbert requested the paving be done next spring and Rich agreed, if the repairs to the road where it is damaged are taken care of in the meantime.
- Reed explained that Condition #9 does say the County Engineer can require road improvements.
- Mr. Gilbert asked for clarification as to when he is required to improve the road in case his neighbor questions him and asked if the road is a RS-2477 road, are those improvements allowed.
- Rich clarified that if the County is asked, he will explain the road improvements are a requirement of the CUP, but the County is not requiring a perfect road.
- Mr. Gilbert agreed to coordinate with Rich.

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

**Motion:** Michelle Tullis made a motion to grant the CUP for the 24.78-acre property identified in agenda item #6 with road improvement and track out modifications, having found the application to be in compliance with the requirement of the Iron County Land Management Code, specifically Section 17.28.050.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

7. **ZONE CHANGE APPLICATION – “I to C” (4.73 Acres) Located near 3052 N Iron Springs Rd, Cedar City, UT (APN: E-0116-0011-0000)**

*Applicant: Country Town USA Properties, LLC, c/o Sam Williams. Represented by Go Civil Engineering.*

**Introduction:**

Reed Erickson shared the following:

- The property is 4.73 acres located at Bowman's Country Kitchen on Iron Springs Road.
- The Applicant would like to change the zoning in the area from Light Industrial to Commercial because it is more conducive to the area and to the interests of the applicant. Commercial requires less setbacks so the opportunities are better.
- Water is available through the CICWCD. Septic is required, and all the other utilities are available from Iron Springs Road.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Roger Thomas agreed that the Commercial Zone would give them favorable setbacks and fits with the uses already in the area.
- Arlo Fawson is in attendance representing the application and Go Civil Engineering.

**Planning Commission Action – Recommend to County Commission (Approve, approve with modifications, Deny or continue)**

**Motion:** Jared Christensen made a motion to recommend to the Iron County Commission that the zone change from Industrial to Commercial, for the 4.73 acre property identified in agenda item #7 and property located nearby, be approved.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

8. **AGRICULTURE PROTECTION AREA APPLICATION – (52.25 + 119.25 = 171.5 Acres) Located near 3200 N 2625 W, Cedar City, UT (APN: D-0624-0001-0000 & D-0750-0000-0000)**

*Applicant: Legrande Webster*

**Introduction:**

Reed Erickson shared the following:

- The Agriculture Protection Area:
  - Is not a zone change, it is an overlay on property that gives certain statutory protections to the property.
  - Is benefitted because the local government cannot change the zoning or zoning regulations without the consent of the property owner.
  - Has nuisance protections stating that their general operation cannot be considered a nuisance.
  - Must be added to new recorded plat and neighbors are thereby notified of the status.
  - Restricts the ability for government to exercise eminent domain on the properties within the protection area.
- Mark Halterman, ICPC member, sits on the Agricultural Advisory Board and met with the Iron County Enterprise Conservation District yesterday and they made a recommendation for approval with some modifications to zoning.
- The Planning Commission will make their recommendation tonight and then it will go to the County Commission for a public hearing on June 23<sup>rd</sup>.
- Property may be removed from the Agricultural Protection Area if a property owner submits an application to do so.
- The Green Belt status is not affected by the protection overlay.
- The Protection Area is valid for 20 years and may be reviewed at that point. If it is not reviewed or no changes are made, it is renewed automatically. A review could restrict use or take it out of protection.
- The ordinance states the area must have at least 5 acres on contiguous property and may include roads and residences.
- Legrande “Sandy” Webster owns the properties:

- The 52.25 acres was listed as 49.15 acres on the notice. There are 4 parcels that were not originally listed on the application, but they do want to include those. The east main parcel is zoned R-5 and the other four adjacent parcels are zoned R-1/2, which are not agriculture zones.
- The 119.25 acres is all zoned A-20.
- The Application Process states objections can be filed. The responses so far have all been in favor except one owner wanted a fence repaired that the applicant had previously agreed to repair. That issue needs to be resolved between themselves.

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

Topics discussed included:

- Eminent domain is not allowed if a property is in an Agricultural Protection Area.
- No master planned roads are in that area.
- The criteria to evaluate for State Code 17-41-303 (2)(a)(ii) includes the following five questions:
  1. Whether or not the land is currently being used for agricultural use.  
*Answer: Yes, currently used for crops, processing, preparation, etc.*
  2. Whether or not the land is currently zoned for agricultural use.  
*Answer: The 119.25 acre piece is zone A-20. The 52.25 acre piece is zoned R-5 and R-1/2 so it could be argued it doesn't meet the ordinance, but the lots are considered legal non-conforming lots that would be allowed to continue at the level that they are operating now. The lots should be rezoned to RA-20 to allow the uses that need to be protected.*
  3. Whether or not the land is viable for agricultural use.  
*Answer: Yes, the area possesses significant agriculture infrastructure.*
  4. The extent and nature of existing or proposed agricultural improvements.  
*Answer: The area possess significant agriculture infrastructure.*  
*Discussion: One reason the applicant is applying is due to nuisance complaints from normal agricultural practices, and the protection area would mean they could continue those practices. Future adjacent subdivision would have plat notes stating they are next to a protection area.*
  5. Anticipated trends in agricultural use and technological conditions.  
*Answer: Continued demand for lamb and wool production as well as more efficient sprinklers, irrigation systems, and fertilizers.*
- The other items to review in 17-41-303 (2)(a) are items (i), (iii), (iv), and (v), and have to be reviewed by the ICPC since the Advisory Board does not. A written report must include item (ii) discussed above and the below items:
  - (i) analyzes and evaluates the effect of the creation of the proposed area on the planning policies and objectives of the county or municipality, as the case may be;
  - (iii) recommends any modifications to the land to be included in the proposed **agriculture protection area**, industrial protection area, or critical infrastructure materials protection area;
  - (iv) analyzes and evaluates any objections to the proposal; and
  - (v) includes a recommendation to the applicable legislative body either to accept, accept and modify, or reject the proposal.
- Reed clarified the following for the ICPC members:
  - The general plan allows for higher density in the Tier II and Tier III areas so there could be higher density housing, but these locations are not in Cedar City's proposed annexation area and there are no master planned roads.
  - The 52.25-acre piece should be rezoned to RA-20 because it meets the 40 acre minimum and is not "spot" zoning.
  - The 119.25-acre piece is RA-20 and the applicant wants to keep it as agriculture.
  - If future owners don't want the protection area, they could apply to have it removed.
  - The minimum acreage allowed in a protection area is 5 acres of contiguous property. There is no maximum.
  - The ICPC is tasked with accepting, accepting with modification, or to reject the proposal.

#### **Planning Commission Action – Recommend to County Comm. (Approve, Approve with modifications, Deny or Continue)**

**Motion:** Mark Halterman made a motion to recommend approval of the 119.25 and 52.25 acres as Agriculture Protection Areas with the modification to rezone the R-5 and R-1/2 parcels to RA-20 for the 52.25 acres.

**Second:** Seconded by Dennis Gray.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

#### **9. GENERAL PLAN AMENDMENT – “Tier III & IV and Zoning Change Discussion” (Summit & Newcastle areas) Located in the Tier III areas of Summit and Newcastle**

##### **Introduction:**

Reed Erickson explained that this is an ongoing discussion for the Tier and Zone changes as discussed in detail at the last ICPC meeting in May.

### Planning Commission and Staff Review/Discussion Included:

- Tier changes:
  - Reed displayed the maps and reviewed the proposed Tier changes asking if any additional changes were recommended by the ICPC for Summit or Newcastle areas. No changes were recommended.
  - The ICPC agreed the public hearing will be held at the next ICPC meeting.
- Zone changes:
  - Reed displayed the maps and reviewed the proposed Zone changes asking if any additional changes were recommended by the ICPC for Summit or Newcastle areas. No changes were recommended.
  - The ICPC agreed the public hearing will be held at the next ICPC meeting.

The public hearings will be held on July 10<sup>th</sup> at the ICPC meeting and on July 28<sup>th</sup> at the County Commission Meeting.

Public Notices will be posted on the public notice website, the county website, with posted signs in the areas and flyers in the post offices and County buildings.

### Planning Commission Action – No Action Required

## 10. COUNTY CODE AMENDMENTS – Setbacks in the Commercial Zoning District & Soil Suitability for Subdivisions

### Introduction:

Reed Erickson explained there are 2 provisions for consideration:

- 1) To Amend Section 17.16.040 to reduce rear setbacks from 25" to 10", when the rear property line of a lot or parcel shares a common property line with a public ROW, public road, street ROW, or railroad ROW and there are no buildings or structures within 25 feet of the propose building or structure on the commercial lot or parcel, (city, county, state, or federal).

ICPC Discussion included:

- The possibility of a flood setback could be included.
  - The Fire Department reviewed the changes and are agreeable to them.
  - The changes should clarify that no building or structures are within 25 feet of a building on an adjacent lot or parcel.
- 2) To Amend Section 16.20.070 (A) to change Soil Suitability for Subdivisions to tailor requirements to fit the project because:
    - The large lot subdivisions are doing soil suitability, but not for the best outcome. The tests are useful for the roadways if the roads location has been determined and for retention basins and lift stations, but not useful for the building lots because homes may not be built exactly where tests are done.
    - For small or minor subdivisions, no roads or infrastructure is involved so the initial soil sample isn't useful. GEM Engineering is going to suggest some alternative requirements for minor subdivisions for the ICPC to review.
    - A road dedicated subdivision currently requires the test, but is not needed, so it could be eliminated.

### Planning Commission Action – No Action Required

Reed asked the ICPC to review the ordinances and proposed changes so they could discuss them at the next ICPC meeting in July.

## 11. MINUTES...consider approval of minutes for the May 1, 2025 meeting.

**Motion:** Michelle Tullis made a motion to approve the minutes from the May 1, 2025 meeting

**Second:** Seconded by Jared Christensen.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Mark Halterman, aye; Michelle Tullis, aye; Roger Thomas, aye; Dennis Gray, aye)

## 12. STAFF REPORTS...

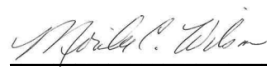
Planning Department, Reed reported:

- Regarding the expanded zone change area from last month's meeting, the involved property owners were contacted and they agreed to the changes. The zone changes were presented to the County Commission and they approved them.
- The County is in the process of creating an RFP to hire a consultant to create a Capital Facilities Plan that will address drainage, sewer, and transportation. The County Commission has approved the funding for a study for an Impact Fee Study and the first step is creating a County Capital Facilities Plan. Because this is a planning document, the ICPC will need to be involved.

## 13. ADJOURN

Chair Cox adjourned the meeting at 8:46 pm.

Minutes Approved July 10, 2025 by the Iron County Planning Commission



7/11/25

**IRON COUNTY, UTAH IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**July 10, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting, July 10, 2025 at 5:30 pm, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox -- Chair  
Jared Christensen  
Dennis Gray  
Roger Thomas  
Mark Halterman  
Michael Platt

**Member Excused**

Michelle Tullis

**Staff Present**

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

**Others Present**

Dan Tullis  
Cole Ashdown  
Bonnie Aston  
Jerald Martineau  
Stephen Christensen  
Stefanie Erickson  
David Barron  
David Hulet

**Representing**

Self  
Self  
Self  
Self  
Self  
Self  
Self  
Summit

**Others Present**

Alisha Chan  
Kathy Whicker  
Fred Whicker  
Danny Hulet  
Audrey Brittner  
Jared Holt  
Val Williams

**Representing**

Self  
Self  
Self  
Summit  
Self  
Self  
Self

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Cox opened the meeting at 5:30 pm.  
Dennis Gray led the Pledge of Allegiance.

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

Chair Cox opened time for public comments.

- Marilyn Tullis asked about Rainmaker, a cloud seeding company, and why it is not being done.
- Reed Erickson stated that he thinks it is being done, but he is not sure how much or at what locations. Rainmaker representatives come every year and make a request to the County Commission, but the commissioners have concerns about its effectiveness for the funds required. He recommended Mrs. Tullis contact the County Commission.

Chair Cox closed the public comments.

**3. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” Sand & Gravel Pit (40.0 Acres)**

**Located near 321 N 600 E, Summit, UT. (D-0105-0000-0000)**

*Applicant: Cole Ashdown*

**Introduction:**

Reed Erickson shared the following regarding the CUP.

- CUP's are allowed uses in the zone for the application being submitted so there is the presumption the permit will be granted.
- This property is zoned A-20 and Surface Mining is an allowed use.
- The site is near a State gravel pit and a private gravel pit.
- The location is east of Summit and will be re-addressed to 4200 west, Parowan.
- The staff and the ICPC review the CUP for impacts that can be mitigated.
- Potential impacts include noise, dust, and traffic.
- Recommended mitigations included as conditions in the CUP are: separation distance from residences, property ID markers or fencing, and a dust control plan.
- Cole Ashdown is in attendance to answer questions and was invited to share additional information. He had no additional comments.

**Public Hearing:**

Chair Cox opened the public hearing. The following comments were made.

- David Barron, Summit resident asked about reclamation once the pit was no longer in use, dust on the dirt road, traffic on Summit's paved Main Street, safety on Main Street, and securing the 40-acre parcel.
- Reed explained that the hole from the pit will be there, and the State, under the Division of Oil, Gas and Mining (DOGM), requires the owner to bond for the property and do a reclamation plan which DOGM will oversee.



- Cole Ashdown shared that he expects the pit to be there for 10-20 years and at some point he expects it to be reclaimed for water retention and/or recharge, that they have applied for a well and should have it within six months, and that the trucks will go through Summit or Parowan depending on where the product is required.
- Reed explained that Summit's Main Street is a county road and anyone can use it.
- Danny Hulet, Summit Culinary Water, shared the water lines are on Main Street, that driving trucks on that road in the winter will push the frost down, and that the roads need to be improved.
- Chair Cox explained the road through Summit was built to handle the traffic and Mr. Hulet could ask the Road Supervisor for the maintenance schedule.
- Wade Davenport shared his concern about the bridge that goes under Main Street near the turn because they have children that have to go around the bridge, which can be dangerous. He'd like law enforcement or something to control traffic.
- Fred Whicker asked about noise and Cole Ashdown responded their hours will be 8am – 5pm normally.
- Chair Cox stated the pit is located as far away from residences as he can get it on his property, and if there are issues, the public can contact the County to address it.
- Val Williams asked why he needed another pit and how drilling another well would affect the area.
- Cole responded that the other 2 pits are not his so he cannot use their product, that the State Water Engineer determines what wells are allowed, and that he will follow the County's and DOGM's requirements.

Chair Cox closed the public hearing.

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

The staff discussed the following:

- The road department manages the maintenance schedule based on road use and the roads may or may not be maintained every single year.
- Summit's Main Street is part of Old Hwy 91, is a 125-foot ROW, and is built well. Wide roads invite speed. Speed limits do not discourage speed, but narrowing a road does.
- The County is in the process of getting funding for additional signage, which tracks speed and what time of day people speed, which may help officers know where to be. The State does not allow a sign to issue tickets.
- Traffic counts may be done before the pit is in operation and after to determine traffic impacts, but the studies rarely require a change in the road or speeds.
- The County's noise ordinance states no operations after 10pm, but the trucks will run primarily between 8am and 5pm.
- The pit may be run at night, but if that is determined to be a nuisance, the County can make changes to the hours.
- The CUP, item #2, covers that the business must comply with federal, state, and county laws regarding speed.
- This smaller pit will not have the impacts that a larger pit would. The roads from the pit are public and everyone has the right to use them.

Chair Cox reviewed Section 17.28.050 Review and Findings.

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

**Motion:** Roger Thomas made a motion to grant the Conditional Use Permit for the 40-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 Mike Platt.

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

#### **4. ZONE CHANGE APPLICATION – “R-½ & R-5 to RA-20” (52.25 Acres)**

**Located near 3200 N 2625 W, Cedar City, UT (D-0624-0001-0000; D-0624-0000-0000; D-0621-0001-0019; D-0621-0001-0001-02; & D-0621-0001-0001-01) WITHIN THE S½ SW¼ SECTION 21, T35S, R11W**

*Applicant: Legrand Webster*

#### **Introduction:**

Reed Erickson shared the following regarding the Zone Change Application:

- This was reviewed at last month's meeting regarding the Agriculture Protection Area.
- The area is behind Fife Town (West) off of 3200 N and 2300 W.
- The total zone change is 52.25 acres (49.15 are R-5 and the rest are R-1/2) and they are requesting all be changed to RA-20.
- The smaller parcels would be considered pre-existing, non-conforming lots so they would still be eligible for building permits.
- The County Commission did approve the Agriculture Protection Area presented at last month's meeting.
- After the County Commission approval, this zone change was added to this agenda, advertised, and adjacent property owners were sent notices.
- The property qualifies for agriculture protections and is not considered a spot zone according to County policy, since it is larger than 40 acres.

#### **Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

Chair Cox closed the public hearing.

### Planning Commission & Staff Discussion:

The staff reviewed the following:

- The evaluation considerations when rezoning property included consistency with the general plan; that it is in a Tier II area, that it is consistent with the minimum 40-acre requirement when it is not adjacent to other property, water is available through the CICWCD and wells, and there is a well for the houses.
- The map showing where the acres were located and the zones.

### Planning Commission Action – Recommend to County Comm (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-1/2 & R-5 to RA-20 for the 52.25 acres of property identified under agenda item #4.

**Second:** Seconded by Jared Christensen.

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

## 5. GENERAL PLAN AMENDMENT – “Tier III to Tier IV and Tier IV to Tier III” (Summit & Newcastle areas)

### Located in the Tier III areas of Summit and Newcastle

*Applicant: Iron County*

#### Introduction:

Reed Erickson shared the following regarding the General Plan Amendment for Tiers in Summit and Newcastle.

- This topic has been discussed in the ICPC meetings for several months. As advertised, this item will have a public hearing.
- These General Plan and Zoning Amendments are being recommended so they will match the current County ordinances and recommendations from septic tank density studies.
- Historically, the County has done the following:
  - 1980--Zoning was determined around each municipality.
  - 1995--Tiers I through IV were established.
  - 2000--Subdivision regulations were revamped.
  - Various Years--Municipalities annexation policies have changed.
  - 2005--CICWCD and the Cedar Valley Septic Density study recommendations were applied county-wide.
  - 2005--Ordinance 205 refined tier regulations.
  - 2023--Septic Tank Density Study completed for the Summit & Newcastle Tier III areas.
- Confusion exists for property owners with zoning versus overlays and development regulations.
- Now is the time to do some good planning for tiering and zoning.
- The Septic Tank Density Study gave recommendations for allowed septic systems based on the mass balance approach and allowable nitrate levels, which were included in the staff discussions for tiering. A summary of the study results for Summit and Newcastle are:
  - Summit:
    - The current average nitrate level is 2.51 milligrams per liter.
    - The acceptable contamination level will be 3.5 milligrams per liter.
    - The allowable number of septic systems is 240. There are currently 84 septic systems so 156 more could be added.
    - There are 289 existing lots, so it becomes a first come first serve policy until other sewer treatment is provided.
  - Newcastle:
    - The current average nitrate level is 1.64 milligrams per liter.
    - The acceptable contamination level will be 3.5 milligrams per liter.
    - The allowable number of septic systems is 220. There are currently 105 septic systems so 115 more could be added.
    - There are 364 existing lots, so it becomes a first come first serve policy until other sewer treatment is provided.
- Maps for both Summit and Newcastle were presented showing the existing tiering verses the proposed tiering changes.
- Any parcel outside of Tier II cannot be subdivided less than 20 acres.
- Part of the recommendation from the septic studies is for the County to consider a sewer district to plan for central sewer in some areas. If sewer could be provided, then densities could increase if that is the desire for the community and the county. The numbers used today are based only on using basic septic systems, not central sewer.

Roger Thomas shared that the County also adjusted the new tiering areas to conform to property lines to make their properties more usable.

#### Public Hearing:

Chair Cox opened the public hearing. The following comments were made:

- David Baron stated that Summit does not have much water and asked what the answer for a sewer system would be.
- Reed explained that the long-term solution would be to develop more water with wells, etc. and to make plans to have a central sewer system.
- David asked and Reed clarified that Summit could continue as they are now and would be allowed another 156 septsics.
- David asked and Reed clarified existing lots are grandfathered in and could be served by septic.
- Reed explained that grants, other funding, and some property owner contributions would be needed for future infrastructure, but there are no plans for that yet.
- Steven Christensen asked if the southwest corner of the Newcastle area could be squared-up along the west side.

- Stefanie Erickson asked and Reed explained that the study did look at groundwater and how long it would take to reach the aquifer noting the information can be found online at the Utah Geological Survey website.
- Stefanie asked and Reed clarified that there is water in Newcastle; it is just being used for different things such as agricultural water. The use could be converted if they own the water rights, but there is enough water available to be developed that could accommodate some growth within the Tier III boundary.
- Stefanie shared that her well north of Newcastle has a nitrate level of .243, but the study area average is 1.6.
- Reed stated that her well could come from a different aquifer area and the tests were done only in the study area.
- Rich Wilson shared that the study was done within the purple area on the map, which helped them to figure out if and how tiering needed to be changed.
- Chair Cox shared that one of the motivations to do the study and make these changes is due to the closed wells in Enoch that contaminated the water supply. The County wanted to do something now so that would not happen in other areas.
- Jerald Martineau asked and Reed explained that a portion of Summit's Tier III is being proposed to change to Tier IV in the northeast section.

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

No discussion needed.

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

**Motion:** Mike Platt made a motion to recommend to the County Commission that the tier change from Tier III to Tier IV and Tier IV to Tier III for the Summit and Newcastle areas identified in agenda item #5 be approved.

**Second:** Seconded by Mark Halterman.

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

**Amended Motion:** Mike Platt made a motion to amend the previous motion to include adjusting the southwest corner of the Newcastle area to include the Christensen parcel into the Tier III boundary change.

**Second:** Seconded by Dennis Gray.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye)

Note: Roger Thomas was absent for a short time during this agenda item and Mark Halterman had to leave early, so neither voted.

**6. ZONE CHANGE APPLICATION – “Summit & Newcastle Tier III Areas”**

**Newcastle: “C, R-½, R-1, & A-20 to R-5; C & A-20 to RA-20; and R-½ to R-1”**

**Summit: “R-½, & A-20 to R-5; and C, R-½, & A-20 to RA-20”**

*Applicant: Iron County*

**Introduction:**

Reed Erickson shared the following regarding the Summit and Newcastle Zone changes in the Tier III areas:

- There will be a public hearing for both the proposed tier changes and the zoning changes at the July 28<sup>th</sup> County Commission Meeting.
- The changes to Summit and Newcastle are as follows: (maps of the changes were displayed)
  - Summit:
    - The current zoning in the Tier III area in Summit is R-1/2 and Commercial.
    - The proposed changes would create only R-5 and Commercial and Commercial would be reduced significantly. Commercial on the west of the new Tier III boundary would change to RA-20.
    - RA-20 is Rural Agricultural 20 Acres and allows for most agriculture uses and the more Intensive Agriculture uses like dairies, pig farms, gravel pits, etc. are not best next to residential areas and the RA-20 zones serves to provide a better buffer to reduce those potential conflicts.
  - Newcastle:
    - The proposed changes for the Tier III area include a buffer on the outside to be RA-20 on the larger lots and closer in changing the R-1/2 to R-5.
    - The Newcastle Townsite has mostly ¾-acre lots, so that won't change from the current R-1 zone even though an owner would still need 10-acres to subdivide and develop a new lot.
    - Primary zoning differences between R-1, R-2, R-1/2, and R-5 relate to setbacks and uses.
    - These changes do not hamper the owner's opportunities for typical residential uses of their land.

Roger clarified that the change to R-5 is being made to comply with the septic density study because subdividing lower than 10-acres does not allow for a septic system. These changes will help clarify for potential buyers or current property owners what is allowed.

**Public Hearing:**

Chair Cox opened the public hearing. The following comments were made:

- Steve Christensen asked and Reed clarified that the County is working with Southwest Utah Public Health related to adding a specialized septic system, if it reduces the nitrate level by 50%, it could reduce the land area required by 50%.
- Stefanie Erickson asked if the areas east and south would be allowed to be grandfathered in.
- Reed explained that any existing use is a pre-existing, non-conforming lot and owners are allowed to continue the use. He also noted that the lots that will be rezoned to R-5 will allow for more animal units that R-1 and R-1/2 allow.

- Stefanie shared concerns about future subdivisions coming in and complaining about the agriculture area.
- Rich Wilson stated the agriculture areas could apply to become an agricultural protection area which would reduce the ability of neighbor's complains to have effect.

Chair Cox closed the public hearing.

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

The staff and ICPC discussed the following:

- The changes discussed to amend the Tier III area in Newcastle will only include the parcels that are represented on the maps at the meeting today.
- A commercial greenhouse is not allowed in R-5, but is allowed in RA-20 with a CUP.
- Current use, such as a feed yard, is allowed as a current use until it voluntarily goes away.
- The number of allowed septs was counted in the study so there are still 115 allowed septs in the study area, which will be used on a first come first serve basis.

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

**Motion:** Roger Thomas made a motion to recommend to the Iron County Commission that the zone changes listed in agenda item #6 be approved contingent upon the approval of the tier changes from the previous agenda item.

**Second:** Seconded by Dennis Gray.

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

Reed reminded everyone that there will be another public hearing on July 28<sup>th</sup> at the County Commission meeting for both tiering and zoning.

## **7. COUNTY CODE AMENDMENTS – Ordinance 2025-6 “Setbacks in the Commercial Zoning District, Soil Suitability for Subdivisions and Leasing Space not a subdivision”**

*Applicant: Iron County*

#### **Introduction:**

Reed Erickson shared the following regarding the three amendments in Ordinance 2025-6:

- **Change #1** - Proposed Reduction of Setbacks in the Commercial Zoning  
Amend Section 17.16.040 to add:  
*(12) Reduce setback to go from 25 feet to 10 feet when one or more of the following occurs.*
  - a. *the rear lot or parcel line is the common property line of a public road right-of-way (city, county, state, or federal), or*
  - b. *the rear lot or parcel line is the common property line of an established railroad right-of-way, and*
  - c. *the placement of a building or structure in the rear yard on the subject lot or parcel is at least 25 feet from another building or structure on an adjacent lot or parcel.*

Discussion: Item c above was determined as not necessary so it will not be included. Items a and b will be included as item a and/or b.
- **Change #2** – Proposed Changes to Soil Suitability Testing  
Amend Section 16.20.070 - Soil Suitability (Minor Subdivisions)  
Added second paragraph to target specific areas as follows...  
*“A geotechnical report may be simplified and tailored to evaluate only the specific areas of a proposed subdivision where public improvements (e.g. roads, water, sewer, drainage, etc.) are required. If a minor subdivision does not require certain public infrastructure/improvements, the soils suitability report may address geologic hazards, general soils maps, and general site conditions only (without potholing or soil testing). The deferred testing requirements are justified in recognition that later geotechnical testing will be required for building permits.”*  
Discussion: The word certain means that not all improvements need to be tested; this means only certain ones. This allows the County to choose from the options.  
Amend Section 16.22.060 - Suitability of the Area for a Road Dedication Subdivision  
Added second paragraph to address testing when subdivided...  
*“A geotechnical report may be simplified and tailored to evaluate only the specific areas of a proposed subdivision where public improvements (e.g. roads, water, sewer, drainage, etc.) are required. If a road dedication subdivision does not require certain public improvements (public infrastructure) at the time of the subdivision, or are deferred until development occurs, the soils suitability report may address geologic hazards, information from general soils maps, and general site conditions only (without potholing or soil testing). These deferred testing requirements are justified in recognition that later geotechnical testing will be required for building permits, or infrastructure development when further subdivided.”*
- **Change #3** – Proposed addition to Ordinance 2025-6 regarding multiple spaces on a single parcel not in a subdivision.  
Add Section 16.04.065 – Leasing or renting multiple spaces on a single lot or parcel  
*“Any person, organization, corporation, or other entity (lessor) who leases, rents, or develops any portion of a building, legal lot or parcel to multiple tenants or leasees may do so without creating a subdivision, as defined in Section 16.04.060, if the lease or rental agreement clearly specifies that the area of the lot, parcel or building being rented or leased is a portion or part of a single legal, lot, or parcel, and not an ownership division or subdivision of said building, lot or parcel.”*

Discussion: This proposed change is due to a conflict within State and County codes. The new language will clarify the ordinance and provide people the opportunity to rent or lease without subdividing and still remain compliant with County ordinance and Utah code.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

No discussion needed.

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

**Motion:** Jared Christensen made a motion to recommend to the County Commission the amendments to County code identified in

Ordinance 2025-6 for the sections identified in agenda item #7, with the removal of item 12c regarding 25-foot setbacks, be approved.

**Second:** Seconded by Mike Platt.

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

**8. COUNTY SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS, AMENDMENT – “Flood pond sizing”**

**Introduction and Discussion Only:**

Reed Erickson explained that Rich Wilson, County Engineer, asked for this item to be on the agenda due to recent concerns for the way retention ponds are sized within subdivisions.

The following comments were made:

- Rich Wilson shared:
  - This topic is being discussed to gather input at this meeting and then again at the September ICPC meeting.
  - The retention pond built in 2021/2022 in the Rancho Bonita Phase 2 subdivision was recently filled after 2 days of rain.
  - The pond is not serving the need for the two subdivision phases nor the overflow from the Webster Ditch, which comes across Midvalley Road and ends up in the pond.
  - The current design standards say what is required in each subdivision, but does not take into account other contributors upstream.
  - To solve this issue, he is negotiating with Painted Desert to buy lot 41 to add another retention pond to handle the water.
  - One issue to consider when building a retention pond is the pond's perc rate and determining if the tests are taken at the right depth.
  - The hand-out titled Retention Pond Storage and Orifice Calculations is an example of a spreadsheet that calculates size, and storage capacity:
    - The allowable runoff is the infiltration rate of the pond. The infiltration rate is the perc rate.
    - The spreadsheet sets the rate at .78, but would need to be adjusted if there is zero perc rate because that would mean the water would have to evaporate.
    - The spreadsheet doesn't reflect the different types of storms so he is concerned about using the numbers due to the different types of storms. For example: puddles often still remain around 3-4 days after a storm. Shorter storms are often heavy, and the recent storm in May was two days of steady rain.
- Mike Platt stated:
  - that the Rancho Bonita pond was built to a 25-year storm, which is too small, but a 100-year pond is too big.
  - the .78 number on the spreadsheet is for a 25-year storm. The 100-year is .75 and trickles down.
  - he is constantly explaining to people, retention vs detention. Even when others review the information, they don't know the difference.
  - there should be a map of neighboring properties draining that comes into each subdivision.
  - the city should take care of the water within their boundaries and stop pushing water into the county.
- Jared Christensen shared that in farming, when a pond is sealed, and then the seal rips, you can't use it anymore.
- Reed stated that there won't be a lot of silt in the ponds since the water is coming off hard surfaces within the subdivisions.
- Rich explained that some subdivisions have no detention or retention ponds and feed into the next subdivision or the adjoining county road. A retention basin needs to be part of all subdivision plans.
- Roger Thomas noted that all of the county ditches are terminating at random spots so there is a need to re-engage with creating a plan to move water around the valley and resurrect ditches.
- Rich shared that the staff is currently writing an RFP for a Capital Improvement Plan that will include drainage. The historic drainage areas are Quichapa, Iron Springs, and Rush Lake, but the channels have been narrowing and have resulted in some unintended consequences.
- Dennis Gray asked and Rich explained that the Rancho Bonita pond would be the County's responsibility if it fails because the County owns it, but normally the developer would be responsible until it is turned over to another party.
- Rich shared he would like to see the ponds maintained by the County but that means finding funds, resources, and employees.
- Dennis Gray noted that the subject owner or project owner needs to have some ownership of maintenance.

- Rich stated that is what the Capital Facilities Plan will help identify so funds will be allocated, and the County should help insure the ponds are maintained.
- Mike shared that he thinks the County is taking the right approach. Cedar City has decided they will only take over retention pond maintenance if the development is more than 160 lots.
- Reed asked the ICPC members to think about how water moves within and between subdivisions and through channels to try to come up with some solutions. One solution may be to share ownership such as 80% built by the subdivider and 20% by the County, which is similar to how sewer lines are paid for based on potential growth.
- Rich stated that pond size may change when digging it based on the soils. A pond could possibly be put on a “windowing” system, which is columned with manholes, or where the channels are utilized. These types of “credits” could be given to help determine the size.
- Reed noted that not doing curb and gutter in a subdivision also reduces the obligation of a retention pond.
- Roger noted that if building occurs in the channel, the channel doesn’t have the same capacity it once had.
- Reed clarified that most irrigation ditches are no longer usable as drainage ditches and irrigation companies are concerned about maintaining them for drainage and that they are often used for irrigation when flood capacity is needed.
- Roger shared that he likes the idea of additional soils testing to reduce the footprint of retention or detention. Each subdivision or area in the County has to control their water, but it needs to be reviewed due to the different soils throughout the County.
- Mike recommends that the County take the necessary time to get the drainage plan right.
- Roger would like the County to help identify who is responsible for water when building occurs upstream.
- Chair Cox stated the County is missing an opportunity to assess impact fees and would like to see them added.
- Rich shared the impact fees cannot be collected until the County has a Capital Facilities Plan. He’d like the County to get more of the water that cannot be consumed at the rate this it is, so the County needs a channel.
- Chair Cox noted that many people build without knowledge of where water floods and how it flows.
- Reed asked the ICPC members to think about the issue and to plan to continue the discussion in September.

No action required.

**9. MINUTES...** consider approval of minutes for the June 5, 2025 meeting.

**Motion:** Jared Christensen made a motion to approve the June 5<sup>th</sup> meeting minutes.

**Second:** Seconded by Erick Cox.

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

**10. STAFF REPORTS...**

A. Building Department – None

B. County Attorney – None

C. Planner & Services Coordinator

- Reed Erickson shared that the RFP for the Capital Improvement Plan is ready to send out and asked the staff and ICPC to let him know if they have thoughts about the RFP or the Capital Improvement Plan.

**11. ADJOURN**

Chair Cox adjourned the meeting at 8pm.

Minutes Approved August 7, 2025 by the Iron County Planning Commission



8/7/25

**August 7, 2025**

- The applicant is Iron Ranch Holdings who is proposing a Heliport off Hwy 56, southwest of where the highway splits.
- The 4.27-acre lot is part of the Lakeview Subdivision, Phase 2.

- The property is outside of the County's Tier II boundary, between Cedar City's boundary and BLM property, so is not in Cedar City's annexation area.
- The majority of the property in the surrounding area is Light Industrial.
- In most directions, the heliport site is approximately one mile away from any residents.
- The landing pad will be on the west side of the property along with a building and a hanger.
- The main access roads are 200 S and 6800 W.
- The applicant's plan includes a private heliport with one helicopter housed there.
- No storage of fuel will be onsite, so they will fuel up at the Cedar City Airport or other locations.
- The main impact concerns identified by the staff are:
  - Noise.
  - Dust from flying close to the ground.
  - Safety regarding fuel storage.
- Recommended mitigation by the staff includes:
  - Property is already located near Light Industrial and one mile from residents.
  - Frequency of flights is low since it is a private facility and only houses one helicopter.
  - Dust control is required.
  - No fuel storage is allowed onsite.
- Additional conditions are included in the CUP that require they follow federal standards for a heliport.

Reed explained how applications are processed and the notification requirements:

- There are 2 types of land use decisions: administrative and legislative.
- The process for an Administrative Land Use application involves the following:
  - The CUP is reviewed by the staff to see if it is an allowed use in the zone and follows County ordinance. The application is processed if it is an allowed use.
  - The County's Table of Uses, Section 17.16.030, indicates the uses, the zones, and if/how the use is allowed using the following identifiers:
    - P = Permitted
    - A = Permitted with an approved Administrative Land Use Permit (ALUP)
    - C = Permitted with a Conditional Use Permit (CUP)
    - X = Prohibited Use
  - If the application is permitted with an additional permit (A or C), it is reviewed by the staff who then identify impacts and mitigation recommendations for those impacts.
  - The County Planner then presents the CUP at the Planning Commission Meeting. The Planning Commissioners are an administrative body and appointed by the County Commission to review and to make administrative decisions on their behalf using Ordinance 17.38.030. The County Commission does not vote on the CUP.
- The process for a Legislative Land Use Application is reviewed by the Planning Commission. They make a recommendation to the County Commission who will make the final decision.
- Public notice requirements are determined by whether the application is administrative or legislative by following Ordinance 16.04.070, which indicates the procedure type and the notice classification. The notice ordinance was recently updated due to the State Legislature's mandate for counties to streamline the process.
  - Administrative decisions do not require a public hearing by law, but the County has determined they still want to have them to help the public become aware and get a better perspective.
  - Legislative decisions do require a public hearing and are held at both the Planning Commission and County Commission meetings.
  - Some subdivision approvals do not require a public hearing, but adjacent property owners do receive letters in the mail in those cases.

Reed explained that the applicant was not present at this meeting. He suggested the public hearing be opened unless the planning commissioners had any questions.

#### **Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

Chair Cox closed the public hearing.

#### **Planning Commission and Staff Discussion:**

- Chair Cox read the Review and Findings (Section 17.28.050).
- Reed stated that the CUP draft has 23 conditions in it including their days of operation, hours of operation, activity, and it also references the Federal Aviation Heliport /Design Advisory Circular 150-5390-2D dated January 1, 2023.
- Dennis Gray noted that he reviewed the conditions of the CUP and it addressed all of his concerns.

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

**Motion:** Dennis Gray made a motion to approve the Conditional Use Permit for the 4.27-acre property identified as 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 Mark Halterman.

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

#### 4. **CONDITIONAL USE PERMIT APPLICATION – “Private Educational Facility” (14.15 Acres)**

**Located near 3542 S Bumblebee Dr, Cedar City, UT. (E-0267-0001-0001)**

*Applicant: Henry's Place*

##### **Introduction:**

Reed Erickson explained the following:

- This request is for private educational facilities at Henry's Place, located at 3542 S Bumblebee Drive.
- This is the second CUP for this property. The first was for a resort lodge, which was previously approved/amended in 2012.
- This CUP is separate because it would be regulated differently and is not connected with the resort lodge.
- This property is zoned A-20 and is adjacent to SITLA land and R-5 zoned property in the Sunset Subdivision.
- The Executive Director of Henry's Place, Dan Maruyama, is here and will answer questions as needed.
- The education facility does meet the criteria for an allowed use in the A-20 zone.
- The plan includes:
  - To hold classes 30 calendar days per season so 60 days each year (30 in the fall and 30 in the spring).
  - Two educational co-ops that coordinate together: Beacon Academy and Lighthouse Commonwealth of Iron County. The program is family oriented.
  - Approximately 150 people would be at the location twice a week.
    - The 150 includes staff, students, and parents who come to assist with children.
    - The daily schedule includes:
      - Class from 10 a.m. - 12 p.m. for all children.
      - Lunch (younger children would leave after lunch).
      - Classes from 1 p.m. - 3 p.m. for older kids only.
- The time request is from 8 a.m. - 5 p.m. to include setup and cleanup. All students and parents would arrive between 9:30-9:45 a.m., the younger children would leave approximately 12:30-12:45 p.m., and the older children between 3:15-3:30 p.m.
- The impacts identified and reviewed by the staff include:
  - Traffic:
    - Once traffic leaves I-15 or Hwy-56, all roads are public so anyone has the right to drive them.
    - The primary routes identified are Bumblebee (paved), 7700 West (chip sealed), and Vandenburghe/4000 North (paved).
    - According to the county engineer's simple evaluation of Vandenburghe/4000 N, the current traffic count is less than 600 vehicles per **day** over a 24-hour period.
    - A typical 2-lane road design, such as Vandenburghe, will handle 1,800 vehicles per **hour** although that is not expected.
    - In this case, the expected number of vehicles would be 35 cars per day (due to the program limiting groups to 35 families per day) or 70 vehicle trips per day with a portion leaving after lunch and the rest after 3 p.m.
    - The daytime hours of operation will limit the impacts to wildlife and livestock. The planning commission could change this restriction to allow evening hours if they feel that is appropriate.
  - Noise:
    - Children playing is likely the only noise issue.
- Safety:
  - Conditions include fencing or property markers, adult supervision, with 34 total conditions.
- Terry Palmer, Building Official, did a building evaluation and the structure can accommodate this request.
- There is sufficient water through the water conservancy district, and sufficient sewer. The resort and school are happening on different days so this helps with the ability to accommodate this request.

Dan Maruyama, Executive Director of Henry's Place added that:

- The two organizations came to them and tailored this request specifically.
- He and his wife are big fans of alternative private education so that is why the CUP is worded the way it is.
- There is fencing on all four sides of the property and they will add another fence if the children will be playing near the road.

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

Chair Cox opened the public hearing and reminded the public to stand to be recognized, state their name, speak loudly and concisely, and identify the potential impacts that they want the planning commissioners to evaluate. He noted that all the letters sent to Reed by the public were reviewed by the planning commissioners prior to this meeting. The following comments were made:

- Jolene Thompson shared that she lives in Sunset Subdivision and her girls run up and down Bumblebee Drive. She feels it would be fine for her girls to continue running along the road even with the additional traffic.
- Sharon Boltinghouse and Debbie Mowry asked for clarification on the number of vehicles versus the number of trips.

- Chair Cox explained that not every parent has to stay there the whole day, that there may be carpooling, and the CUP does not require a certain number of trips.
- Debbie Mowry shared the following concerns:
  - The area is rural and should stay that way.
  - The speed is 40-50 mph, semi's and tractors travel the road, and the curve by Henry's Place, which makes it dangerous
  - There are hunters in the area.
  - Sunset Subdivision only has one way in and out and the entrance is across from Henry's Place.
  - Only adjacent property owners were notified instead of the whole Sunset Subdivision.
- Chair Cox stated it is the hunter's responsibility to be safe and that the public notices were done based on ordinance requirements.
- Roger Boltinghouse stated he sent a letter to Reed that represents 14 people who oppose the proposed CUP and shared some of their concerns, such as:
  - The resort lodge only allows up to 180 people.
  - Previously there were concerns about lighting, but Henry's Place has turned down their lights, which he appreciated.
  - They are not in favor of private education.
  - County Ordinance 17.16.20 is for A-20 zones and is designed to protect and preserve lands for farming, ranching, public foods, production of food, fiber, open space, and recreation services related to purposes. The A-20 zone anticipates limited commercial uses that have similar impacts to agricultural uses and provide services in the rural area that are compatible and commensurate to the typical commercial agricultural uses.
  - Lighthouse and Beacon do not do farming, ranching, food production, nor any training related to agriculture training in their curriculum so they do not meet the County Code.
  - County Code 17.20.10 defines private educational facilities; Lighthouse and Beacon do not meet the criteria for technical or vocation training. The Utah Board of Education does not show them on their list as a private school.
  - Hunting happens all year long so there are safety issues with hunters and the wildlife.
- Roger Boltinghouse continued by asking if:
  - The CUP requires the students to stay on the 14 acres even though they are adjacent to public land.
  - The CUP identifies the hours from 8 a.m. – 5 p.m. with no nighttime activities.
  - There is a backup water system because the water conservancy water goes out if there is no power.
  - The traffic has been evaluated properly.
  - The County has talked to State Wildlife about the impacts.
  - There has been a light study done.
  - This will affect the dedicated livestock route.
  - The County is aware this may drop the nearby property values if it is not used as agriculture property and stated he will speak to a lawyer if it affects their property value.
- Charity Garza, Chairman of Lighthouse Commonwealth of Iron County, shared:
  - The commonwealth teaches classes on community interdependence and squatting versus homesteading, which are agricultural.
  - She has taught pre-college classes called Quest 1 and 2, which are advanced writing and oration. Those who have taken the pre-college classes have gotten into college and have obtained jobs because they are prepared.
  - Two of her three children have left home now. One was the Cedar City mayor and one is now at West Point.
  - Parents have the right to decide what their children are learning. The parents of the commonwealth have chosen to have classes on the founding fathers, the Civil War, and on World War II.
  - They understand the responsibility of holding classes at Henry's Place and are willing to work with them to create an amenable agreement.
  - Late night activities, such as dances and game nights, are held at various locations throughout the county. Parent meetings are held at the Cedar City Visitor Center.
  - As far as the road itself, the traffic will increase, but it is a public road, and the road itself does not cause a traffic jam. Parents will do their best to cooperate on following existing public roads, on the times coming and going (noting that only five children leave after lunch typically), and not speeding.
- Piper Manesse asked Dan Maruyama what the probability is that cars are waiting to turn on Vandenburghe or Bumblebee roads.
- Dan explained the entry to the camp is 22 feet wide (a 2 lane standard) and 400 feet to the parking lot so the worst impact is the cars coming out of the subdivision may have to wait to turn out during the drop off and pick up times, but noted there is good visibility at the location.
- Eden Thompson shared that:
  - She lives in this community and is a member of the commonwealth.
  - The road belongs to the people of Iron County including the people in the commonwealth who live here.
  - She believes that the Lighthouse Commonwealth should be allowed to meet at Henry's Place.
  - She upholds the Constitution and believes that people should be able to rent their own land to those who seek to teach their children truth, who will teach their children to be leaders, and who will teach children about Christ and the Constitution, which will better the community and nation.

- She does not want those who believe in sharing the gospel of Christ to prevent people from renting from and providing money to the owners of Henry's Place so they can do the work of God, take care of the poor, help children, and teach them about Christ.
- David Lauritzen shared:
  - He lives directly across the street from Henry's Place, which is the only entrance spot for the entire Sunset Subdivision.
  - He is grateful to be able to share his concerns, but feels the County notification process should include more than the adjacent property owners since it affects all of the subdivision and suggested to at least post a sign.
  - He and his wife love Henry's Place and the Murayama's, but since they are usually only there during the summer, this proposal will create issues in the fall and spring now.
- Lance Manesse stated that 7700 West is now paved and the County is working on adding a road from 7700 West into Sunset Subdivision. Although the road is not scheduled yet, he is concerned the parents will be coming through Sunset Subdivision as a shortcut even though the roads are narrower and there are no sidewalks there.
- Joe Demartino stated he is not far from the proposed new road and during the raining season, no one is getting out that way because it is a flood zone so there will only be one way out.
- Rachelle Howard, Beacon Academy Chair, shared:
  - They are a group of families collaborating to educate their own children and are involved in this effort together.
  - Families have the right to oversee their children's upbringing.
  - They are residents of Iron County and they are petitioning to be allowed to meet together to educate their children.
- Jean Lopour stated:
  - She moved out to this area in 1994 and her rights have always been ignored noting she was against Henry's Place when it was originally proposed.
  - She has been an educator for 34 years and does not want to be by a school or in an urban area. She wants to be in a rural agriculture area where she does not have to worry about traffic or noise or kids playing.
  - She appreciates parents who want to do their own thing, but wants to know about her rights.
  - She has had a dog killed because of traffic, is on her horse almost every day of the week, and already has a hard time crossing Bumblebee due to traffic.
  - She is not sure of the validity, but information was circulated to property owners that as of July 21, 2025 the new location for classes for Beacon and Lighthouse would be at Henry's Place. She wants to know if it was already approved prior to this public meeting.
- Chair Cox assured Jean that this is the first time the Planning Commission has heard any of this.
- Dan Maruyama shared that the applicants approached him in late June to start discussions. He then contacted Reed (County Planner) and they have been putting together what the CUP would look like. The applicants and he have not contracted anything because the decision was conditional upon this meeting and the Planning Commission's approval.
- Cheri Demartino stated:
  - She lives in Sunset Subdivision and is a former educator and former administrator.
  - She chastised whoever posted on the commonwealth website the information of the new location because the administration is wrong for doing it and it angered many of the neighbors.
  - She is aware of the nightmare of traffic and drop-offs and feels Vandenberghe Road will be a nightmare.
  - She understands it is a public road, but there is only one entrance in and out of the subdivision.
- Clay Emison shared:
  - He has spent 41 years in the physical security department at a major university.
  - He wants to know if the Sheriff's Dept. has done a threat assessment for active shooters at Henry's Place as well as kidnappings because there are many campers and hunters out there who no one knows.
  - He spoke with the State's security chief about HB 84 and the potential safety issues with the hours of the school being posted online. The security chief said it would depend on if they get government funding or not.
- One of the applicants shared they don't get funding and they don't get paid because they are educating their own children.
- Mr. Emison continued by stating that:
  - In an active shooting incident or during a health issue, a teacher would wear and push an emergency button, which would get emergency services there immediately. The closest emergency services are 14 miles away, which may be a problem.
  - Henry's Place should put up a property fence to protect the students.
  - Henry's Place was originally put there to help at risk kids so putting a school there may not fit its purpose.
- Emma Thompson, a graduate from Lighthouse Commonwealth of Iron County, shared:
  - She lives in Sunset Subdivision and she has noticed a lot of resentment and anger from people in her neighborhood for her school.
  - She understands they are upset about not getting notified, but her mother, Jolene, said that they knew they needed to get approval from the County for that property.
  - The way the Commonwealth communicates is to share or notify parents that this is what they want to happen so they can plan where they may be going.

- Locations are prone to change last minute and everyone in the commonwealth knows and understands that.
- She was the student council president, activities coordinator, and vice president on three different years. She always knew the information was given out, but that it could change last minute.
- She was a nanny for a family that had public school children and they were good children and she loved them, but she noticed that the children at Lighthouse Commonwealth of Iron County are far more responsible because they are trained in leadership, the Constitution, on Georgics (an old word for agriculture, animals, and land), and on how to live out in the country.
- She runs along Vandenburghe and Bumblebee and often only sees two or three cars so turning at the entrance and traffic are not things she is concerned about.
- Steve Thinnies shared:
  - Three sides of the proposed school location are surrounded by hunting areas. Even though you say the hunters are responsible, there may be ricochets.
  - The County has a gravel pit directly adjacent to the north, which is a part of the groundwater recharge. The pit is a danger to students when it is full of water.
- Roger Boltinghouse shared that:
  - The Thompson family is doing a great job raising their children
  - He doesn't want them to feel like they are being picked on and thinks that teaching their children is amazing, but:
    - The non-profit corporation is being proposed in a commercial building.
    - The class list does not include any agriculture classes for the next two semesters so it doesn't meet the definition of A-20.
    - This is not the right place for this use.
- Tanya Hall, one of the families with Beacon shared there seems to be a lot of misunderstanding so she explained:
  - The students are never all outside at the same time. Classes go outside one or two classes at a time, which is not like a regular schoolyard.
  - The biggest class size is 14 children. Two or three parents are always with every single class.
  - They will help traffic flow however they need to such as coming in from Hwy 56 and leaving from Vandenburghe.
  - They do not just drop off children; they come into the parking lot and park.
  - The families would be willing to do what is best for traffic and are willing to educate kids on wildlife and hunters. They would not sue hunters if something happened.
- Clay Emison asked if the Sheriff's Department will do a threat assessment if it becomes a school.
- Chair Cox stated that is not in the County's purview.
- Debbie Mowry shared:
  - She has been in contact with the County sign department to notify them that some mysterious 20 mph sign have been put up.
  - The speed limit has changed from 40 to 50 mph, which means people are going 60 to 70 mph.
  - Recently a power pole was hit that knocked out power for 3 to 4 hours.
  - She'd like to see the curve signs changed to 20 mph and lit up.
  - She has nothing against the families or kids or what they want to do, but she feels it is not the right place for it.
- Merilee Wilson explained the sign department did look at the signs and determined the 25 mph signs were suggested speed signs and were likely put up by the County. Since they are old and faded, they will be replaced. The speed limit changes from 40 to 50 mph and back to 40 mph to help prepare drivers for the curve.
- Hillary Gale, co-chair of Lighthouse shared she is trying to put herself in the adjacent property owner's shoes and wants to explain:
  - There are approximately 52 people in this room. Only 3 times this will be at the proposed location.
  - They do not drop off children; the parents are required to be there to help teach. Multiple teachers are in each class.
  - These children are the most responsible citizens you will find in this community.
  - They cleaned the building at last building they used.
  - The children are not allowed to run wild.
- Nathan Garza, who has been homeschooling in this kind of commonwealth for 20 years, stated:
  - Principles they teach have to do with private property and respect for community. Also, to be respectful for everyone's collective privacy and rights.
  - He loves this opportunity to gather at this meeting to communicate about concerns.
  - This is not a typical school. For example, if the parent cannot attend, the children don't attend.
  - One exception is when one older teenager needs to be dropped off or drive themselves, but that is rare.
  - As a group, we don't want to make this difficult; we want to make sure it works well.
  - He has seen a lot of change in Iron County and he knows it will continue to happen, but one principle they live by is respect for people's privacy.
- Clay Emison asked and Dan Maruyama clarified that they will not be hosting homeless people during the winter.
- Alice Lauritzen asked and Reed explained that this CUP is not tied directly to Lighthouse or Beacon so it could be applied to another school group and follow the same conditions. The resort lodge has nothing to do with this CUP.
- Eric Schmutz, owner of 62 acres next to Henry's Place, shared that:
  - The Maruyamas are great neighbors.

- A lot of people are here from Sunset Subdivision and he appreciates that they allow the open range animals to wander and not shoot them.
- He has turkey, deer, and coyotes that live on his property. Generally, there is not a lot of hunting done on his land.
- He would like to thank everyone for letting agriculture exist and would like to marry the two (rural and school) to make it work.
- He does have trail cameras on his property for fun, but hopes the fencing will keep the students and families on the 14 acres for safety purposes.
- Dan Maruyama clarified that there is barbed wire on three sides of the property and a post and rail fence on one side along Bumblebee Road. He plans to put up a shield fence there as well.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission and Staff Discussion:**

- Jared Christensen stated that the planning commissioners know mining and other things can be done in A-20, and asked if this use is also allowed.
- Reed shared that:
  - Sam, Terry, and he have talked about that and have determined that the uses that are identified as conditional uses in the A-20 zone are there because they can be done such that they are in compliance with the rest of the general plan and the zoning ordinances.
  - The definition of a private education facility is quite broad, so if you only read the first part it says it has to be agricultural vocation, but those are only two of the things listed there.
  - The classes do not have to be focused on agriculture according to the private educational facility use; it does not mention agriculture in that definition at all.
- Roger Thomas asked and Reed clarified that both CUP's are active at the same time. When recorded, the new CUP will state it is a second CUP on this property.
- Mike Platt read the CUP Review and Findings (Section 17.28.050)
- Jared Christensen shared that he is concerned about the dip in the road and the turn noting the speed should be slower there, and also getting off of Hwy 56 because it doesn't have a turning lane. The oiled road is better and a lot more safe.
- Roger Thomas shared that he understand the concerns regarding the road, but they are public. Nothing that he has heard has told him that a school does not belong out there, because it is an allowed use in the A-20 zone. He suggested that the planning commissioners not cap them to certain hours so they can hold meetings and evening activities if they want to.
- Reed explained the hours were set up to mitigate the impact of nighttime driving primarily due to wildlife concerns. Those other activities would need to happen before 5 p.m.
- Dan Maruyama shared that the planning commissioners did not need to discuss extended hours because he was not going to utilize that option.
- Reed addressed the notification concerns by stating the State law was followed and if the mail was slow that is not something that the County can control and he apologized if they did not receive the notice in a timely manner. The notices are mailed to adjacent property owners even if they touch the corner.

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

**Motion:** Mike Platt made a motion to grant the petitioner's permit for the 14.15 acres, identified in Agenda Item 4 having found that application to be in compliance with the requirements of the Iron County Land Management Code for Section 17.28.050.

**Second:** Seconded by Jared Christensen.

**Continued Discussion by Planning Commissioners:**

- Roger Thomas asked if the fencing concerns needed to be added to the CUP as a condition.
- Reed explained they could modify Condition 14.
- Dan Murayama explained where he plans to add a net wire fence across the front of the property entrance, along the play area to the trees.

**Amended Motion:** Mike Platt amended his motion to include modification of condition 14 regarding fencing from the entrance of the property to the trees near the wash with a net wire fence.

**Second:** Seconded by Jared Christensen.

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

**NOTE:** Agenda Item 6 was discussed prior to Agenda Item 5 so that is how they are listed in the minutes.

**6. PRELIMINARY SUBDIVISION APPLICATION – “Valley Stratton” (40.93 Acres – 21 Lots)**

**Located near 3750 W 4000 N, Cedar City, UT. (APNs: D-0601-0004-0000 & D-0601-0005-0000)**

*Applicant: Valley Stratton Family Trust*

**Introduction:**

Reed Erickson shared the following regarding the 21-lot subdivision:

- The property is located off of 4000 N just off of Lund Hwy.
- The area is in the Tier II boundary so it allows the development of higher density as long as they are on water and sewer.
- The property was rezoned to R-1 a few months ago and is surrounded by R-1/2.
- The plat map shows 5-acre lots across the back and the rest are 1-acre lots.
- The roads are in the shape of a horseshoe so only one lot will have access off 4000 N, which is a benefit.
- 4000 N is a 75-foot Right of Way (ROW) and the belt route is a 100-foot ROW, so the staff discussed adding a connector from this area to the belt route, which is further north.
- Because there is currently a 33-foot sewer easement on the east side of the property currently, the County asked the property owner to turn that into a road ROW noting the ROW would not provide access to the subdivision. The owner agreed.
- The topography shows the water runs northwest so the retention basin is in the upper west corner of the subdivision.
- Most of the drainage is expected to be retained on each 1-acre and 5-acre lot, but Rich will work with the Engineer, Daryl Brown from Watson Engineering, to make sure the retention pond is adequately sized.
- Within the subdivision, the road is dedicated to the County as a 50-foot ROW with a 28-foot improved surface.
- 4000 N is a master planned 75-foot ROW, but the plat says 66-foot so that will be addressed and corrected in the plans.
- The water will be provided by the CICWCD and sewer will be connected to Cedar City sewer.
- There are no variations to the Land Use Application.
- Street lighting will be reviewed later for night sky and safety issues.
- The property is already fenced all the way around.
- There will be paved streets, no curb/gutter, and no sidewalk in the R-1 zone.
- Daryl came to a sketch meeting prior to this to discuss the project and the County appreciates him for doing that.
- There will not be a public hearing although letters to adjacent property owners were mailed. No one responded.

**Planning Commission & Staff Discussion:**

- Chair Cox asked and Reed noted the 75 feet for 4000 N will be confirmed through the construction drawings.
- Jared Christensen asked and Reed confirmed the new road (3700 W) will be dedicated as a County road, but will not be built now. When 3700 W is built, there will be a barrow ditch and the drainage will be dealt with for that road at that time. The subdivision roads will be determined based on the drainage needs as they are built.

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

**Motion:** Michelle Tullis made a motion to approve the preliminary subdivision application for the 40.93-acre property identified in Agenda Item 6, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Chapter 16.12.

**Second:** Seconded by Mark Halterman.

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

**5. PRELIMINARY SUBDIVISION APPLICATION – “Peak View Phase VII” (15.87 Acres – 26 Lots)**

**Located near 2525 W 4300 N, Cedar City, UT. (APN: D-0597-0010-0000)**

*Applicant: BC Development, LLP.*

**Introduction:**

Reed Erickson shared the following regarding the preliminary subdivision application for Peak View Phase VII:

- The application is for 26 lots on 15.87 acres.
- The property is zoned R-1/2 and is located at the south end of the Peak View Subdivision Master Plan.
- After this phase, only one more phase can be accommodated.
- The zoning in the area includes R4K, R-1/2, and R-5.
- Planned roads will replace the current temporary turn-a-rounds.
- Multiple roads feed north and the development has good transportation circulation.
- Rich is working with Platt & Platt to improve the drainage in the whole subdivision.
- The County has current retention basins in place and has identified future retention basins for that area including in the Sage Meadows Subdivision. The Walker Ditch will also be utilized for drainage.
- One planned retention pond will be moved away from 2700 W to allow drainage to continue down 2700 W if overflow is needed.
- Eventually the drainage needs to end up west of the subdivision to Lund Hwy so future development will have to provide for some drainage in that direction as well
- The only two requests for variations are streetlights and fencing.

**Planning Commission & Staff Discussion:**

- Roger asked and Reed clarified that the entire subdivision is fenced so no additional fencing is required for this phase.
- Mike Platt declared that he is highly involved in the project and will not be voting.

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

**Motion:** Michelle Tullis made a motion to approve the preliminary subdivision application for the 15.87-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 16.12.

**Second:** Seconded by Jared Christensen.

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

## **7. GENERAL PLAN AMENDMENT AND ZONE CHANGE – Tiering & Zoning Discussion for Brian Head Tier II area**

### **Staff Introduction and Discussion:**

Reed Erickson shared:

- This is not an action item.
- Staff is moving forward with the tier and zone changes for Brian Head.
- He will email the planning commissioners all the details.
- The current tiering is outdated. Brian Head has annexed the Alpine Creek Subdivision, which was in the old Tier III area.
- The proposed tier changes include changing the Tier II to reflect the current Brian Head Town boundaries, which will not include property owned by Hal Mitchell and his family.
- The resort lodge that was proposed previously was given a one-year extension by the County to come back with a management plan so that is still forthcoming.
- Any property that does not have the ability to have water or sewer will be left out of Tier II.
- The proposed zone changes are to change all R-1/2 and R-1 to R-5 and make some RA-20. If any owners come in with a proposal, the County can include it in Tier II if Brian Head Town wants to annex it.
- Additional consideration for Commercial properties to be re-zoned to A-20 also needs to be done.
- There is one property that is Forest Service property that will be included because Brian Head is in conversation with them to acquire it. The rest of the zoning boundary will follow Forest Service property.
- The planning commissioners need to decide if they want to have a public hearing at the next meeting or continue the discussion at the next meeting.
- Reed does plan to meet with Brian Head in a few weeks so he could present that information at the next meeting before a public hearing is held.

## **8. MINUTES...** consider approval of minutes for the July 10, 2025 meeting.

**Motion:** Roger Thomas made a motion to approve the July 10, 2025 meeting minutes.

**Second:** Seconded by Chair Cox.

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

## **9. STAFF REPORTS**

A. Building Department – No report made.

B. County Attorney – No report made.

C. Planner & Services Coordinator - Earlier in this meeting Reed introduced the new Iron County Planner, Brett Hamilton, and explained they will be working together for a few months until Reed retires.

## **10. ADJOURN**

Chair Cox adjourned the meeting at 8:02 p.m.

Minutes Approved September 4,, 2025 by the Iron County Planning Commission



9/5/25





IRON COUNTY, UTAH IRON COUNTY PLANNING COMMISSION

MINUTES

September 4, 2025

The Iron County Planning Commission held its regularly scheduled meeting, September 4, 2025, at 5:30 p.m., Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox, Chair  
Jared Christensen  
Dennis Gray  
Michael Platt  
Mark Halterman

**Excused**

Roger Thomas  
Michelle Tullis

**Staff Present**

Reed Erickson, Iron County Planner  
Brett Hamilton, 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**

Peter Thornton  
Lehi R. Allred  
Mormon R Allred  
Weston Saunders

**Representing**

Self  
Self  
Self  
Saunders Outdoor Adventures

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Cox opened the meeting at 5:30 p.m.  
Dennis Gray led the Pledge of Allegiance.

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

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

**3. COUNTY CODE AMENDMENT – Ordinance 2025-7 - Amend Section 17.16.030 (Table of Uses), Section 12.12.030 (Fees; Encroachment Permits), and adding Section 16.28.015 requiring a plat amendment for a “full boundary adjustment” and providing an effective date.**

*Applicant: Iron County*

**Introduction:**

Reed Erickson shared the following:

The staff is proposing three amendments to Iron County Code, Ordinance 2025-7. They are:

**1. Section 17.16.030 (Table of Uses)**

Amend to allow Light Industrial (LI) in the Residential Agriculture (RA-20) zone with a Conditional Use Permit (CUP):

- “Light Industrial” means places for the conduct of any light manufacturing and assembly activities which are compatible with existing and other uses allowed in the zoning district and which 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 where all equipment, compressors, generators and other ancillary equipment is located within a building or structure and any outside storage areas are screened from view from all adjoining properties and streets.
- This is not to be confused with the Light Industrial Zone because there are also two Industrial zoning categories: Industrial Zone and Light Industrial Zone, which are differentiated between indoor and outdoor use.
- This change would allow other uses that are commensurate with the activities already occurring in the area if the Planning Commission approves the CUP application.

**2. Section 16.28.015 (Full Boundary Adjustment)**

Amend to require a plat amendment for a full boundary adjustment.

- The State legislature added language to the State code that requires all full boundary adjustments to have a plat amendment recorded. The County needs to update the code to match those requirements.
- A full boundary adjustment means a boundary adjustment that is not a simple boundary adjustment.
- A simple boundary adjustment is clarified in State law as:
  - A boundary **adjustment** means an agreement between adjoining property owners to relocate a common boundary that results in a conveyance of property between the adjoining lots, parcels, or both.
  - A boundary **establishment** means an agreement between adjoining property owners to clarify the location of an ambiguous, uncertain, or disputed common boundary.
- A simple boundary adjustment requires a deed with legal descriptions for each parcel, but does not require a plat amendment.

- A full boundary adjustment affects easements, rights of way, roads, internal restrictions, etc. so it requires a plat amendment.

### 3. Section 12.12.030 (Fees; Encroachment Permit)

Amend to remove fees for encroachment permits because the fees in the code are in conflict with the current adopted fee schedule.

Chair Cox confirmed with Reed that RA-20 is a buffer between the A-20 and Residential zones. He shared concern that this change may dilute that buffer and asked what else is allowed that is similar to Light Industrial.

Reed explained:

- This would include expanded home occupation, which would allow more employees as well as increase the number of trips per day in a residential zone. There would still be limits to both employees and trips per day.
- This would expand the use to be more like A-20, but not as heavy as A-20.
- Many of the A-20 uses are still prohibited in an RA-20 zone.
- This is similar to the discussion of whether to allow a shop in the R-5 or R-2 zone and if it would be encroaching too much within a residential zone even if it has limited numbers of equipment, employees, etc. When the Planning Commission chose to allow a shop in R-5 and R-2, it was determined that the County could regulate impacts through the CUP.

### Public Hearing:

Chair Cox opened the public hearing and asked those with comments to follow the public meeting considerations.

The following comments, relating to the zone change to allow Light Industrial in an RA-20 zone, were made:

- Reed clarified that this item relates to the next agenda item and has to be approved before discussing agenda item #4.
- Peter Thornton shared that if this is approved it will affect the next agenda item so he is not on board. Over the past 6-7 years, the road has more vehicles than ever on the unmaintained road so it is already destroyed, almost impassable at times. Additional traffic coming in and out for Light Industrial would affect the road even more. Currently, there is no pride by the owners for their property so allowing this would just reward the applicant for bad behavior and be an eyesore for Three Peaks Recreation Area. He tried to fix the road but could not with his equipment, so he would like the road fixed for the taxpayers in that area.
- Dennis Gray asked Peter if he was against this code amendment in general or just a particular area.
- Peter responded that at this time, he is only interested in the area in agenda item #4, but if the whole county is going to include this change, each area needs to know how it will affect them. The County should look at each area before approving it.
- Chair Cox shared that he visited the Allred property on 4500 West as part of his review of this permit and he noticed that there is a sewer outfall line in the road. He is not sure if the native material was used to backfill it, but it is not adequate for the road.
- Reed noted that the road has never been on the maintenance schedule.
- Jared Christensen asked how this will impact the roads in the whole county due to the increased number of vehicles traveling on those roads and also, what the noise level would be. He noted that different shops or operations have different noise levels even if inside a building.
- Reed shared:
  - Mitigation for noise and other conditions can be determined during the CUP review.
  - The county has had a number of proposals for development in the area that will be discussed in agenda item 4.
  - The County subdivision ordinance triggers the offsite improvements required by the developer such as road improvements from a County road to their business, but most cannot afford it.
  - In the case of agenda item #4, Mr. Allred is aware that if everyone wants to help pay their portion to create a county standard road, they can do an assessment area that will cover costs to improve it, and then the County will take over maintenance.
  - For Administrative Land Use Permits (ALUP) and Conditional Use Permits (CUP) the county cannot require the applicant to bring the road to County standard so that is why we require them to follow the WUI road standards at this time, which is an all-weather 20-foot road.
  - The county does not maintain WUI roads, but emergency vehicles will be able to use them to access the area.
- Rich Wilson clarified that the first question is whether to change the ordinance to allow LI in RA-20, and shared that he feels the change would move the ordinance in the right direction. Then, when an application is submitted, the county can mitigate impacts.
- Reed suggested allowing the public to finish making comments and then staff can discuss it further.
- Lehi Allred shared:
  - He has put a lot of work into improving the road over the last month or two.
  - Two years ago, heavy equipment on the road caused big ruts.
  - In general, the manholes makes it a lot harder for the residents to keep the road maintained.
- Terry Palmer shared that adding LI to the RA-20 zone will help building and zoning with code enforcement because LI requires ancillary equipment and keeping materials in a building and/or screened from public view.
- Chair Cox thanked Mr. Allred for coming forward to discuss his plans.

### Close Public Hearing:

Chair Cox closed the public hearing

### Planning Commission & Staff Discussion:

- Reed explained that these since this is an ordinance change, the Planning Commission will make a recommendation to the County Commission for their meeting to be held on September 8<sup>th</sup>.
- Mike Platt shared that he thinks the County will see more and more of this type of development in the future so it makes sense to allow the LI use in the RA-20 zone. If this is not allowed, there will be zone change requests that will open up additional issues.
- Dennis Gray stated that he likes the change to add LI to the RA-20 zone. He agrees that this will open a door for more LI in RA-20, but applicants will have to do additional mitigation to make it happen through a CUP. This change takes care of both sides.
- Mike clarified that the County can take away a CUP if someone is not following it.

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

**Motion:** Jared Christen made a motion to recommend to the Iron County Commission that Ordinance 2025-7 amending the Iron County Code in the sections identified in agenda item 3 be approved.

**Second:** Seconded by Mike Platt.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye; Mark Halterman, aye)

**4. CONDITIONAL USE PERMIT APPLICATION – “Light industrial” (20.46 Acres)**

Located at 4737 W 3600 N, Cedar City, UT. (Parcel # E-0123-0005-0000)

*Applicant: Lehi Allred*

**Introduction:**

Brett Hamilton shared the following:

- The discussion in agenda item 3 segues nicely to this CUP application for Light Industrial (LI) use in an RA-20 zone.
- The location is south of Midvalley Road, west of Lund Highway near 3600 N and 4100 W.
- The zoning map shows that the future location of the belt route, that the property is within the Tier II boundary, that there is some SITLA and BLM property to the northwest, and the location of the Cedar City municipal boundary.
- The property was changed from the A-20 zone to RA-20 in January 2016, which is when the RA-20 zoning district was created. At that time, six areas throughout the county were rezoned to RA-20 where it made sense.
- The property is approximately 20.5 acres.
- The aerial view shows debris scattered throughout (mentioned in Agenda Item 3), which will be discussed as CUP conditions, which include to clean up the site, where outdoor storage will be located, and how to screen the property.
- Generally speaking, the proposed building will be on the southwest portion of the property approximately 60 feet off the rear property line and 216 feet off the west property line, which will be as far away from the road as it can be.
- The building description provided by the applicant is a pre-engineered metal 19,800 square foot building, 100 x 198 feet. The intended use is a LI shop for welding, machining, and some light assembly.
- Typical hours of use are 8am – 6pm. They may occasionally be outside those times, but to help with noise there is a condition that the building be insulated.
- The applicant's site plan shows the building location at the south end of the property, water from an existing well, septic to the west of the building, and an easement along the eastern side (4700 W) for power lines, which is dictating the location of the buildings.
- The County's Transportation Plan shows the site is located near the planned belt route, so the staff discussed where the access would be. The preferred choice is to have 3600 N run parallel with the planned belt route so with improvements to 3600 N access will be safer to cross. This would help the potential development of the Three Peaks Golf Community that is a Tier III approved community.
- Four photographs were provided by the applicant's neighbor, Peter Thornton, of the debris on the property, which aided in developing the conditions for the CUP.
- The potential impacts include:
  - Increased traffic due to employees, delivery, and exporting.
  - Noise during work hours.
  - Storage of outside materials—clean up and screening needed.
- Recommended mitigation includes:
  - Road improvements on 4500 W and 3600 N with dust control.
  - Screening for outside storage.
  - Site cleanup.
  - CUP conditions 5 and 17 would require the applicant to submit a plan that:
    - Designates areas for outside storage and the methods of how those areas would be screened from the street and adjacent properties.
    - Details cleanup of the site within 3 months
    - Note: These plans will give Code Enforcement the ability to act if needed.
  - Limited hours 8am – 6pm with the condition that if they ever went outside those hours it could never be before 7am or after 9pm.
- The CUP contains a total of 23 conditions.

- Condition 15 requires the applicant to provide an all-weather access road from the County maintained portion on 4500 W and about 2300 N to continue along 4500 W and then across going west on 3600 N to the project site. The applicant would be responsible to maintain the road.
- The planning commission will make the final decision on this CUP.

**Planning Commission & Staff Discussion:**

- Chair Cox asked about condition 16, regarding solid waste, and if the county will pick up trash for them.
- Reed shared that Bruce Anderson, Public Works, Landfill Supervisor, will determine the service based on the road. He will work it out with applicant.
- Terry Palmer explained that often businesses have to have a private contractor, which Bruce might require.

**Public Hearing:**

Chair Cox opened the public hearing and reviewed the considerations:

- Lehi Allred, applicant, shared:
  - There are two big black dumpsters at the pavement, but thinks there may be other options for dumpsters.
  - Regarding the debris, most is materials, but some is garbage. The reason for the bigger building is to help keep that organized.
  - They started as a home occupation and the business has grown, but there are only two employees total.
  - As far as the hours, the general hours will be the norm. He reminded the group that the property is near agriculture (A-20) which has tractors running all night and has cattle noise. He signed a disclosure statement when he bought the property stating he will not have issue with the farming noise.
- Mormon Allred shared that they build security systems and their orders have increased so that is part of the reason the property has not been cleaned up.
- Chair Cox asked Mr. Thornton if he had any questions or comments.
- Peter Thornton shared that he has met with Lehi a couple of times and really hopes the property will be cleaned up, especially when the belt route comes through so the public doesn't have to see. This road is the main road to Three Peaks Recreation Area and continues on to Iron Springs so there are approximately 40-50 vehicles on the road each day. Unfortunately, there are also people who love to drive trucks out there to play in the mud after it rains.
- Rich asked and Mr. Thornton replied that his concerns had been covered adding that this is his neighborhood and is not monitored by anyone to keep it nice so he rides around to let people know what is happening.
- Rich explained that the roads will be monitored more often as the master planned roads are built in that area.
- Lehi Allred asked if 3600 N could be opened up between 4500 W and 4100 W.
- Rich shared that the staff has gone around and around on whether it is a cattle road or a public road. The challenge is that there is no proof that it is a public ROW (historical use, etc.) so therefore it is controlled by the neighbors. The Sherratt's and Hansen's say it was never public.
- Lehi stated that Dan says his dad used to come over it in a school bus. Also, it was opened in 2016, but it was closed off right before he got his certificate of occupancy.
- Rich stated that the staff has heard this as hearsay, but there is no proof at this point, so the county is not forcing the issue with them. The neighbors can volunteer to open it.

**Close the Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Jared Christensen read the Review and Findings (Section 17.28.050).
- Chair Cox reminded the planning commissioners that this CUP is conditional on the County Commission's approval of the ordinance amendment changes in agenda item 3.

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

**Motion:** Mike Platt made a motion to grant the Conditional Use Permit for the 20.46-acre property identified in agenda item 4, be approved if the County Ordinance changes to Section 17.16.030 are approved by the County Commission.

**Second:** Seconded by Mark Halterman.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye; Mark Halterman, aye)

**5. IRON COUNTY TRANSPORTATION PLAN UPDATE – Ordinance 2025-8 – Add 3700 West as a major collector (between 4000 N and Midvalley Rd/4800 N).**

*Applicant: Iron County*

**Introduction:**

Reed Erickson shared the following:

- This item is to amend the Iron County General Plan amendment by adding 3700 W to the Master Transportation Plan.
- Recently a subdivision application was reviewed and the staff was made aware of some potential projects in the area. The staff identified the ROW for a sewer line at 3700 W. Adding this road that is within that ROW would accommodate the potential growth and access to the planned belt route.

- As a reminder of the purpose of transportation planning, the County is trying to integrate traffic with Cedar City and Enoch. Since the County doesn't have a crystal ball, the plan may be amended as zoning is changed and subdivisions are proposed and/or added.
- The subdivision developer has agreed to dedicate a 33-foot easement for this road and the property on the other side will be required to do so when it is developed.
- The County is driving this request, not a development.
- Mike Platt shared that the ROW will be noted on the plat for each property owner that borders the proposed road.
- Chair Cox clarified that the sewer line easement is located in the same place the road's 33-foot easement will be. He suggested 4500 W go north as well, but it was determined that it would interfere with the belt route.
- Reed explained that eventually 4100 W will connect the area together as a master planned road and will be improved as development occurs.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Closed the Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

No additional discussion needed.

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

**Motion:** Mike Platt made a motion to recommend to the Iron County Commission that Ordinance 2025-8 amending the Iron County Master Transportation Plan to add 3700 W, identified in agenda item 5, be approved.

**Second:** Seconded by Jared Christensen.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye; Mark Halterman, aye)

**6. PROPOSED “OFF-PREMISES ADVERTISING SIGNS”**

Located at 3035 S Old Highway 91, Cedar City, UT (Parcel # E-0242-0000-0000)

*Applicant: Saunders Outdoor Advertising*

**Introduction:**

Brett Hamilton shared the following:

- The proposed off-premise advertising signs (billboards) are south of Hamilton Fort on the west side of I-15 at 3035 S Old Hwy 91.
- The property is located within the County's Tier II boundary, is zoned commercial, and is adjacent to A-20 and R-1 zones.
- You can see the location as you drive on I-15 where Hamilton Fort Storage is located.
- County Code Section 17.52.020 gives the requirements for billboards and the list of the findings that need to be met.
- There are two sign locations, one at the north end and one at the south end of the property.
- They will be 525 feet apart, which meets the conditions. Other area signs are far enough away to meet requirements as well.
- There are two types of signs being used:
  - Both will be 14 x 40 feet or 672 square feet, which meets the criteria that it must be 700 sf or less.
  - The first design is drawn up with a center column 40 feet in height, but Mr. Saunders will reduce it to 35 feet in the building permit phase to meet the maximum requirement of 35 feet.
  - The second design has a side column so it is on the outside edge of the sign. It meets all the other criteria.
- There is not a requirement to have a public hearing, but the planning commissioners need to make a recommendation to the County Commission.

**Planning Commission & Staff Discussion:**

- Chair Cox said that because the signs are along I-15, they need a UDOT permit and asked if the applicant has applied for one.
- Mr. Sanders explained they do not have UDOT permits yet, because he cannot apply for them until the County approves the signs.
- Terry Palmer shared that Mr. Saunders has been great to work through the process of getting approval for signs.
- Reed Erickson shared that the Zip Kit Homes sign in that area is also Mr. Saunder's sign.
- Chair Cox clarified that the sign would not be in alignment with new interchange.
- Weston Saunders introduced himself and shared:
  - His company has been in business since 1954.
  - He has worked there for 30 years so he knows a little bit about signs.
  - The preferred structure is a flag design, but the landowner prefers the poll be by the fence and out of the way of the storage unit access.
  - He is fine to change the height to 35 feet overall, and that it doesn't change his calculations.
  - They do not have advertisers yet, but there are some in the queue.
  - Iron County has been great to work with.

- There are some overhead power lines that run through the property, but Rocky Mountain Power has been working to put them underground on other side. He cannot build until the overheads are removed. He has been told for the past several months they will be removed, but they have not been removed yet.

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

**Motion:** Mark made a motion to recommended to the Iron County Commission that the two off-premise signs at the locations specified in agenda item 6, be approved.

**Second:** Seconded by Dennis Gray.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye; Mark Halterman, aye)

**7. PROPOSED AGRICULTURE PROTECTION AREA – Approximately 105.51 acres on five parcels.**

Located at about 4100 W & 4000 N and 4100 W and 3200 N, Cedar City, UT

*Applicant: Clark & Ruth Webster*

**Introduction:**

Brett Hamilton shared the following:

- This agenda item is for a proposed Agriculture Protection Area.
- There will not be an action at this meeting because the proposal needs to go to the Agriculture Advisory Board first. The board was supposed to review it yesterday, but it didn't make it on the agenda so it will go to their next meeting and it will be on next month's agenda.
- Because the item was posted for this meeting's agenda, he will present the information tonight and then have a refresher discussion at next month's meeting.
- At the last Planning Commission meeting the public shared concerns of not receiving mailed notices so the staff posted two A-frame boards at the locations.
- The owners are Clark and Ruth Webster.
- There are two locations:
  - Northern portion/location:
    - The northern portion has two parcels near 4000 N and 4100 W for a total of approximately 46 acres.
    - These parcels are near the proposed belt route, but the belt route is entirely west of the property so it will not impact this agriculture protection request.
    - There is no provision in the protection area guidelines saying the belt route cannot be built.
    - The parcels are zoned A-20 and RA-20 and both are allowed in the Agriculture Protection Area.
    - Property surrounding the two parcels includes A-20 and some R-1/2.
  - Southern portion/location:
    - The southern location has three parcels near 3200 N from 3900 W to 4200 W for a total of approximately 59.5 acres.
    - All three parcels are RA-20 and surrounded by A-20, RA-20, and some R-5.
  - The aerial map shows the land is currently being used for agriculture.
  - The definition under State Code for agriculture is not just crops; it also includes livestock, etc.
  - A different property owner owns the area between the two locations so they are not included in this request.
- There are three types of protection areas: Agriculture, Industrial, and Critical Infrastructure.
- Protections and Expectations for the Agriculture Protection Area include:
  - The property owner is encouraged to have viable agriculture uses and to protect the public health and safety.
  - The area is protected from future zone changes.
  - There is specific language within the State Code to help notify surrounding property owners that they are not to complain about nuisances because the area is protected.

Brett reviewed the six evaluation criteria questions and answers and confirmed that all six criteria have been met.

**Planning Commission & Staff Discussion:**

- Chair Cox asked and Brett confirmed the property owner may rescind participation in the protection area or add to it. The protection area is valid for 20 years, but it can be re-evaluated, extended, or removed at any time.
- Dennis Gray asked and Brett explained that waiting for the Advisory Board's recommendation is required because of the order of operation of procedure and the planning commission should follow their recommendation even if the planning commission is ready to make a recommendation tonight.

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

- No action taken, but the request will be reviewed at the next Planning Commission meeting after receiving the recommendation given by the Advisory Board.
- Reed explained that once the advisory board makes its recommendation it has to be posted again stating what the Advisory Board and the Planning Commission have recommended.
- Chair Cox asked and Brett clarified that everyone was notified, no one was against it, but others did want to join the request or learn how to request to be in a protection area.
- Chair Cox asked and Reed explained that a protection area is protected against eminent domain.
- Reed stated the main things that the Protection Area provides:

- Protection from eminent domain.
- Protection from nuisance complaints.
- Notification to adjacent property owners.
- Requirement that developers identify the area on the plat map.
- Chair Cox asked and Reed shared that the motivation to be in a protected area is to keep operations going even when development is occurring all around them.

## 8. GENERAL PLAN AMENDMENT AND ZONE CHANGE – Tiering & Zoning Discussion for Brian Head Tier II area

### Introduction and Discussion:

Reed Erickson shared the following regarding **Tiering** changes:

- Maps were emailed to the planning commissioners showing the proposed Tiering changes.
- On Tuesday, he and Brett met with Brian Head Town and received some additional annexation info.
- The updated map shows the existing Tier II and Tier III. The Tier III area was a master planned community from 2006, but it has been now been annexed into Brian Head Town.
- Brian Head Town updated their General Plan and Annexation Plan in 2018.
- Brian Head adopted a larger Tier II area and a smaller Tier III area. They thought it would allow them to plan better, but he feels that it doesn't really work because some land is Forest Service property that cannot be annexed so he thinks they should modify it.
- Possible change suggestions would be in small sections on the north and west sides, the rest is basically the same. There is a small section at the south end, but it would be included in the smaller Tier II area now.
- The public hearing will be at the next Planning Commission meeting if the commissioners are ready. The planning commissioners agreed that a public hearing should be held at the October meeting.

Chair Cox shared that UDOT is trying to add a building in Brian Head and he heard there was a land swap going on so he wants to find out the details for UDOT. They applied for special use from the Forest Service, but it may be Brian Head Town they need to contact.

Reed stated that there is an upcoming meeting with the Forest Service where that can be discussed.

Reed shared the following regarding **Zoning** changes:

- The proposed zone changes include Ski View Estates (R-½), Dry Lakes Road (R-1), and the area north and south of that which are already Commercial.
- The recommendation is to rezone the same way as we have done with previous communities.
- Changes include:
  - Properties zoned as A-20, R-1, R-1/2 will go to R-5.
  - Property zoned as A-20 will go to RA-20.
  - Property zoned as SPA zone will go to RA-20.
  - Some property zoned as C will go to A-20.
- Public hearings will be October 2<sup>nd</sup> for Planning Commission and October 13<sup>th</sup> for County Commission.

## 9. MINUTES... consider approval of minutes for the August 7, 2025 meeting.

**Motion:** Jared Christensen made a motion to approve the minutes from the August 7, 2025 meeting.

**Second:** Seconded by Erick Cox.

**Motion Passed:** (Voting: Erick Cox, aye; Jared Christensen, aye; Dennis Gray, aye; Michael Platt, aye; Mark Halterman, aye)

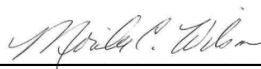
## 10. STAFF REPORTS...

- A. Building Department: Terry Palmer shared that they continue to be very busy with building inspections.
- B. County Attorney: Sam Woodall offered to help with anything the planning commissioners needed.
- C. Planner & Services Coordinator: Reed Erickson shared that the County Commission approved all of the recommendations that the Planning Commission made from last month's meeting.

## 11. ADJOURN

Chair Cox adjourned the meeting at 7:30 pm.

Minutes Approved October 2,, 2025 by the Iron County Planning Commission



10/3/25

**IRON COUNTY COMMISSION MEETING  
OCTOBER 27, 2025**

Minutes of the Iron County Commission meeting convened at 9:00 a.m. October 27, 2025  
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Paul Cozzens	Commission Chair
Michael Bleak	Commissioner
Kenneth Robinson	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Chad Dotson	County Attorney
Kenneth Carpenter	County Sheriff
Nick Hulet	CJC
Sam Woodall	Deputy Attorney
Jennifer Bradbury	HR Director
Lori Eichelberger	Justice Court
Brennen Wood	SWATC
Jaden Thomas	Victim Advocate

Others present:

Kate Richardson (via phone)

**SYNOPSIS**

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**INVOCATION**

An invocation was offered by Brennan Wood.

**PLEDGE OF ALLEGIANCE**

Those assembled were led in the Pledge of Allegiance by Lori Eichelberger.



### **APPROVAL OF MINUTES**

Kenneth Robinson made a motion to approve the minutes of the Iron County Commission meeting held on October 13, 2025. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

### **APPROVAL OF CLAIMS FOR PAYMENT**

Michael Bleak made a motion to approve Claims for Payment from October 13, 2025 to October 26, 2025. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

### **DEPARTMENTAL REPORTS**

**Chad Dotson, Iron County Attorney**, noted that the Attorney's Department was under budget, he had no concerns of going over the budget, the department was fully staffed, and the new attorney, Joseph Shaha, began in September. Chad reported that since January 1st, the Attorney's Office had reviewed 1,737 Criminal Cases, compared to 1,495 in 2024. From those 1,737 cases, there were 668 District Court cases filed, 709 Justice Court cases filed, 76 Juvenile Delinquency Cases, 381 cases were assigned to the Victim Advocate, and 115 Civil Case assignments. There were 255 drug cases, 54 theft/burglary related, 103 assaults/domestic violence, 57 stalking/protective order violations, 30 fraud, 128 DUIs, 38 child abuse/child endangerment, 40 sex offenses of adult and child, 2 arson, 2 homicide (4 total cases), 30 Drug Court participants, and 5 Jury Trials. Chad gave an update on the Jury Trials. Robert Hart was convicted of child sex abuse and sent to prison. Isaac Wall was convicted of a first-degree felony of kidnapping and aggravated assault and sent to prison. In the Kaylee Dutton homicide case, the shooter and driver in those cases have been sentenced to prison, and one co-defendant was remaining in that case. He noted that there was a four-day jury trial that ended with a verdict of not guilty on sex offenses because there was no cooperative evidence. Seven of the eight jurors stayed after the trial and talked to the prosecutors, and gave them some good feedback. There was a discussion on issues with the Group Homes and Chrysalis Homes.

**Nick Hulet, Children's Justice Center (CJC) Director**, noted that the budget was on track. The CJC was in the first quarter of the grant cycle. Nick reported that there were 22 Interviews conducted, 2 Medical exams, and 42 Contracted Therapy sessions. He noted that in the years 2021-2024, the Interview's monthly average was 18.6; thus far in 2025, the average was 24.2. In 2024, there was a total of 226 interviews, and the CJC was on track to go over 300 interviews in 2025. The Medical exams' monthly average from 2021-2024 was 4.45 and 5.2 in 2025. There was a discussion regarding the possible cause of the increase in numbers. Nick reported that many of the CJC clients were taking advantage of the therapeutic services that they provided. In the last four quarters, the sessions went from 144 to 161. In the last quarter, the CJC paid for 166 sessions for clients that were able to get some mental health services a result of the grant they have. Nick expressed his appreciation to the amazing Iron County community. In the last month the CJC had received either in-kind or financial contributions from the Leavitt Group, Mountain America Credit Union, Clearway Energy, and Fiddler's Canyon and the Willowwood LDS Wards activity days. They received quilts and blankets for children. It was wonderful to be supported by the community.

**Lori Eichelberger, Iron County Justice Court Administrator**, reported that Ginny Bettisch was the new Judicial Assistant and was doing well, and Lori Neighbors was the Senior Judicial Assistant. Lori expressed her appreciation to her staff for all their help doing extra work. She noted that one position remained open, and she would open that position after the last employee was trained. The budget was under up to September 30<sup>th</sup> at 62.45%. Lori reported on the Justice Court Monthly recap from January to September in comparison to 2024. DUIs, Driver's License Violations, Moving violations, Controlled Substance/Narcotics, Domestic Violence, and other miscellaneous misdemeanors/infractions were all up, and Impaired Driving DUIs, Non-Moving Violations, Assaults, and Theft had decreased in numbers. Small Claims and appeals were both down. She reported that Revenue Collected was up by \$41,337, Revenue

Disbursed was up by \$23,313, and Revenue Retained by Iron County was up by \$18,024. Citation comparison for Cedar City Police was up by 41 from 2024, SUU Police was down by 19, Iron County Sheriff's Office was up by 62, and the Utah Highway Patrol was up by 142.

**Jaden Thomas, Iron County Victim Advocate Services Program Manager**, noted that the Victim Advocate services were primarily funded by two grants, and they were within the ranges of those grants. Jaden reported that there were 196 clients served from July 1<sup>st</sup> to September 16<sup>th</sup>, an increase from 148 clients from the previous quarter. 16 of those clients had more than one victimization, and of those 196 clients, the most common victimizations were domestic violence, child sexual assault, and adult sexual assaults. He noted that the Utah Office for Victims of Crime (UOVC) completed its site visit, and the grant audit was complete, with no issues found. They did applaud the Iron County program for good record-keeping and effective delivery of services. Jaden reported on an advocate/case of a vehicle recovery that was stolen by the client's partner, along with all of her financial cards, money, and he drained her bank accounts. The victim was a Home Health nurse, so having a vehicle was crucial to her being able to work. He noted that her vehicle was recovered in Colorado, and he utilized emergency funds to get the victim a plane ticket, retrieve her car from the tow yard, and get her safely back to Cedar City. Jaden reported that Savannah Gardner, Cedar City Police Victim Advocate, received a Hero award from Canyon Creek Services at their latest Awards Banquet. Jaden read the letter that was given at the banquet.

**Brennen Wood, Southwest Applied Technical College (SWATC) President**, noted that the SWATC mission was, "Empowering individuals through innovative, hands-on technical education to build careers and strengthen communities." There was a 93% Full-time fall-to-fall to fall retention rate, which was 13 points above the average of Utah Technical Colleges, and a 93% Graduation rate, which was 25 points above comparison groups. SWATC's service region included Beaver (64 students), Garfield (32 students), Kane (144 students), and Iron (1,647 students) Counties. Because of the dual enrollment with SUU, students come from across Utah, including 23 out of 29 counties, 60 students from out-of-state, 3 International students, and 580 students have completed the program. Brennen reported that the Council on Occupational Education (COE) had a 70% placement rate benchmark for all accredited programs, and SWATC was above the threshold of 70% in all of the programs. He noted that in Dual Enrollment, there were 1,728 STECH students, 824 SUU credits, 4,690 Credits awarded, which was a \$1,711,148 value of credits awarded. Brennen explained the national study from the NCHEMS report to the Higher Education Appropriations Subcommittee and the Financial Aid for FY24. He explained the application process for SWATC. Brennen reported that SWATC was going to be the first responder training hub for Southern Utah through their Southwest Tech Training Advancement Center (STAC), and the ribbon-cutting for the center would be sometime next spring. STAC was a purpose-built training environment designed to prepare first responders, emergency personnel, and public safety students for the complex and high-pressure challenges they would encounter in the field. STAC would play a vital role in enhancing the region's capacity to respond to emergencies, meet workforce demands, and support economic development through hands-on, industry-aligned training. The Master Plan for the center included training in mass casualty, crash rescue, fire trainer, rubble trainer, high-angle rescue, hazmat, an urban response complex, a trench trainer, a future first responder memorial, and a future trainer bay. He explained each of the training areas and what was involved at each station. There was a discussion on the budget and sponsorships. He noted that 85% of the SWATC operating budget came from the State of Utah. Utah supported Technical Colleges extremely well. Jon Whittaker, Iron County Clerk, asked Brennen to explain how the Life Skills program worked. Brennen explained that the Life Skills program was called "Empower You." The program was initiated last year to help students learn life skills that included a bit of each program, and included budgeting. SWATC had created a student Navigation (NAV) Center where students could go to get resources.

**Kenneth Robinson, Iron County Commissioner**, reported that he continued receiving calls from Kanarraville and Bumblebee residents regarding flooding issues. Budget hearings were held and went well. Ken noted that he participated in a Zoom meeting regarding HB48, and he wanted to know what this bill was solving, but didn't get the chance to ask it. Commissioner

Cozzens noted that HB48 Wildland Urban Interface Modifications was sponsored by Casey Snider and Michael McKell, and there was another Zoom call scheduled for tomorrow. Ken noted that he would ask the question because he had not found any answers. Paul Cozzens noted that it was to raise money for the state. Commissioner Robinson reported that he participated in the Livestock & Heritage Festival Parade, and it was incredible to see how many people attended the parade. He estimated that there were at least 10K along the route. He reported that there was an issue with a stock trail that was locked in the Kanarraville area.

**Michael Bleak, Iron County Commissioner**, reported that he attended the Iron County budget hearings and the ribbon-cutting for the Grand Opening of Johnny Mac's on October 17<sup>th</sup> with Maria Twitchell. It was a great restaurant, and would be instrumental in bringing residents to the north end of town. Commissioner Robinson reported that he tried to go on Saturday night, but the lines were long, and the wait time was over an hour. Mike noted that he attended the America250 Committee meeting, and there was access to the calendar for the celebration events. Residents can visit the website [www.visitcedarcity.com/america250](http://www.visitcedarcity.com/america250). Reed Erickson, Iron County Planner, reported that Scott Phillips was involved with America250 and was on the committee that was helping design a roundabout for a new Hamilton Fort Interchange, a project that they would like to be a part of the America250 Celebration to help with funding. Reed explained the project. Commissioner Bleak reported that next year it would be Iron County's 175<sup>th</sup> Birthday as well, in conjunction with America250. He noted that the Transient Room Tax (TRT) and Tourism, Recreation, Culture, & Convention (TRCC) Tax had received their grant application presentations, and he met with Maria Twitchell to review the applications and the recommendations from the committee. Those recommendations would be presented to the commission before the end of the year. Mike reported that he also attended the Livestock & Heritage Festival Parade, and was an emcee with KSUB radio. Commissioner Bleak noted that the Dancing with the Community Stars CJC fundraiser would be held on November 18<sup>th</sup> at 7:00 p.m., and that Chad Dotson, Iron County Attorney, was one of the contestants. He encouraged everyone to attend and donate to support the CJC.

**Paul Cozzens, Iron County Commissioner**, reported that he attended the Livestock & Heritage Festival Parade with his grandsons, which was always a highlight for them. He met with Ed Deffner, Layton Construction, and Taylor Parkin, Axex Financial, regarding budget and change orders with the new Sheriff's Complex, which continued to move forward. Commissioner Cozzens noted that, as Commissioner Robinson mentioned, there would be a Zoom call regarding HB48 at 9:00 and invited anyone who was interested could join in the call.

## **PUBLIC COMMENTS**

No Public Comments were offered.

## **PRESENTATION FROM THE DIVISION OF WILDLIFE RESOURCES (DWR) ABOUT A PROPOSED LAND ACQUISITION IN IRON COUNTY FOR EXPANSION OF THE PAROWAN VALLEY WILDLIFE MANAGEMENT AREA, AND POSSIBLE APPROVAL OF A LETTER OF SUPPORT**

Kate Richardson, USU Extension Entomologist, participated via telephone. Kate explained that the proposed land acquisition, by code, had to be reviewed by the Iron County Commission. This was a 20-acre parcel adjacent to the existing Parowan Wildlife Management Area, northwest of Parowan City. The private land owner had passed away, and a lawyer reached out to see if the DWR was interested in the parcel, which they were because of the location. She reported that the Utah Prairie Dog (UPD) was a federally threatened species that was only in southwestern Utah, and the property had a very large colony of them. Purchasing this property would increase some of that habitat connectivity for other colonies and increase the number of UPD for other species that rely on the UPD colonies and burrows. Kate explained the importance of this expansion. Once the UPD colony numbers were high enough, they eventually hoped to delist the UPD, which would mean a lot for Iron County in terms of development and the mitigation fees that had to be paid. Commissioner Robinson asked Kate how this would protect the adjacent farmers from the continued devastation of their crops. He stated that the DWR had

not followed their previous contract for the Parowan Wildlife Management Plan to maintain the UPD, and they needed to be held accountable. The UPD had devastated crops over the last 20 years, which was unacceptable. There was a discussion regarding the maintenance of the UPD, mitigation costs to remove the UPD, UPD-take by land owners, and a boundary fence. Kate reported that she worked with the lands team and, as far as management, she would meet with the regional staff about the UPD issues. She noted that she appreciated the feedback and suggestions from the commissioners. Jon Whittaker was assigned to include the commissioners' concerns to the draft letter of support.

**DISCUSSION AND APPROVAL OF A CONTRACT FOR PROFESSIONAL SERVICES WITH WATSON ENGINEERING FOR MATERIALS AND SPECIAL INSPECTION SERVICES IN SUPPORT OF THE IRON COUNTY JAIL CONSTRUCTION**

Jon Whittaker, Iron County Clerk, explained that this contract was for professional services for special inspections for the new Sheriff's Complex. Tim Watson, President of Watson Engineering, had been handling this on an on-call basis, and this contract would formalize that work. Jon asked Sam Woodall, Iron County Deputy Attorney, to report on this agenda item. Sam reported that he had reviewed Tim's proposed contract. There was some boilerplate language that was added. He noted that there was an addendum to the contract, which Tim agreed to sign, that addressed indemnification that Iron County was self-insured. Sam reported that Watson Engineering added Iron County as an insured on their policy, which not only streamlines any claims that we may have, but was also cost-effective for adding that additional layer of comfort if anything does go wrong. Sam noted that he would encourage the Iron County Commission to sign off on the contract, so we can move forward in getting that additional insured endorsement.

Kenneth Robinson made a motion to approve the Contract for Professional Services with Watson Engineering for materials and special inspection services in support of the new Sheriff's Complex, as presented. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

**REVIEW OR REQUIREMENTS UNDER UCA §63A-19 incl, UTAH GOVERNMENT DATA PRIVACY ACT. PRESENTATION OF PRIVACY PRACTICES SELF-EVALUATION. ALSO, POSSIBLE DESIGNATION OF A CHIEF ADMINISTRATIVE PRIVACY OFFICER**

Jon Whittaker, Iron County Clerk, explained the Privacy Governmental Entities – Iron County, which was a new requirement for governmental entities. Jon reported that he, Jennifer Bradbury, and Sam Woodall had met and had received several trainings. They developed a simple plan to move forward. HB 491 required government entities to, 1. Initiate a privacy program by December 31; 2. Preparation phase: A. Designated a Chief Administrative Officer for Privacy (CAO), B. CAO appoints Records Officers, C. GRAMA trained, D. Privacy awareness training; 3. Planning and Assessment Phase: A. ID, draft, formalize practices, B. Maturity assessment, C. ID and prioritize strategies; and 4. Execution and monitoring Phase: A. Implement prioritized strategies, B. Privacy impact assessments (PIA). Jon noted that Iron County was very zealous to guard the information that we collect and temporarily keep. He explained the Privacy Chart that was prepared by the state based on the categories: Government, Identify, Control, Communicate, and Protect. Jon noted that he was willing to serve as Chief Administrator Privacy Officer (CAO).

Michael Bleak made a motion to appoint Jon Whittaker as the Chief Administrative Privacy Officer. Second by Kenneth Robinson. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

**PERSONNEL**

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the promotion of Brittany Hafdahl from Full-time Deputy 1 to Full-Time Deputy 2 in the Sheriff's Office-Corrections, effective October 26<sup>th</sup>, and the re-hire of Shawn Coston as a Part-Time Bailiff for the Sheriff's Office-Patrol, effective October 27<sup>th</sup>. This was a backfill of a vacant position.

Kenneth Robinson made a motion to approve the Personnel changes as presented by Jennifer Bradbury. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Kenneth Robinson, Aye.

**NON-DELEGATED ITEMS**

No Non-Delegated items to discuss.

**ADJOURNMENT**

Paul Cozzens, Iron County Commission Chair, declared adjournment.

  
Signed: Paul Cozzens, Chair

  
Attest: Jonathan T. Whittaker, County Clerk



**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**November 6, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting, November 6, 2025, at 5:30 p.m., Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox, Chair  
Jared Christensen  
Michelle Tullis  
Roger Thomas  
Mark Halterman

**Excused**

Dennis Gray  
Michael Platt

**Staff Present**

Reed Erickson, Iron County Planner  
Brett Hamilton, Iron County Planner  
Terry Palmer, Iron County Building Official  
Sam Woodall, Iron County Deputy Attorney  
Rich Wilson, Iron County Engineer

**Others Present**

Scott Tobler  
Jeff Smith  
Deanna Smith  
Abby Cox  
Tracy Zeppenfeld  
Dustin & Melissa Hughes  
Nick & Ashlee Lloyd

**Representing**

Self  
Self  
Self  
Self  
Self  
Selves  
Selves

**Others Present**

Josh Adams  
David and Cayce Stonehouse  
Norm Forbush  
Brian Zeppenfeld  
Tony Galindo  
Natalie Bradford  
Kim Covington

**Representing**

Self  
Selves  
Self  
Self  
HMR  
HMR  
HMR

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Cox opened the public meeting.  
Jared Christensen led the pledge of allegiance.

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

Chair Cox explained that the subdivision on 4000 N has been pulled from the agenda tonight.  
Chair Cox opened the public comments.  
No comments were made.  
Chair Cox closed the public comments.

**3. CONTESTED ADMINISTRATIVE LAND USE PERMIT APPLICATION - Contractor's Shop/Office, small (5.00 Acres)**

5749 N 2300 W, Cedar City, UT (D-0502-0001-001906)

*Applicant: Ashlee Lloyd*

**Introduction:**

Brett Hamilton shared the following:

- The Administrative Land Use Permit (ALUP) for a contractor's shop/office, small is being contested.
- An ALUP is reviewed by the staff who work to resolve any conflicts or concerns that arise through mitigations or conditions. When those are not resolved, and the application is contested, the application is brought to the Planning Commission for a decision.
- This ALUP is on property located in Hidden Valley Ranchos at 2300 W and 5700 N.
- The property is zoned Residential 5-acre (R-5) and is surrounded by other R-5 zoned property.
- A small contractor/office is permitted in the R-5 zone as shown in the Land Use Table and is defined as a facility providing limited employee staging of general building repair service and maintenance such as and including installation of plumbing, roofing, electrical, heating and air conditioning according to the zoning district subject to regulation 17.36.600.
- This ALUP is for Double L Plumbing and Electrical. They park their work vehicles there and they have built a garage to house the materials and supplies for the business. The ALUP also lists their hours of operation, number of employees, and what they do, which are all in compliance with what the code allows.
- The regulations listed in Code 17.36.600 states:
  - The number of work vehicles that can be on the property is less than or equal to 5.
  - The number of heavy equipment, including trailers, is also less than or equal to 5.
  - The number of employee vehicles cannot be more than 7.
  - The hours are limited to 7:00 am to 7:00 pm.
  - They cannot have any off-street parking. On-site parking is allowed and it must be toward the back so it is not as visible.
  - No inoperable vehicles are allowed to be stored on the property.
  - All materials, parts, and supplies either need to be within a fully enclosed building or completely screened from adjacent properties or from the street.
  - The majority of work must be performed at the job sites, at off-site locations.



- The property has a newly constructed home at the north end. The business is closer to the home on the southern end of the property.
- Work trucks and equipment are being parked to the west of the garage. Most employees park in the front of the garage to the east likely to avoid being in the way of the work trucks and equipment.
- The county has added a condition to require a 45-foot setback from all property lines, for any business related parking or equipment storage. This is to mitigate the neighbor's concerns of parking too close to them. A 45-foot setback is standard in an R-5 zone for any structure.
- The business does have 5 service work vehicles, 2 pieces of heavy equipment, and 4 employees.
- The staff followed Code 17.38.030 to review and make a determination regarding the ALUP. This process does allow for additional mitigations to be placed on the project depending on the specific site where it is located and depending on what the operation is. Those mitigations are based on neighbor concerns and staff suggestions.
- The main concerns from neighbors included parking facilities, vehicular ingress and egress, and anything that could be related to nuisance factors such as noise, smoke, dust, and dirt.
- The applicants are Nick and Ashlee Lloyd and are here to answer any questions the planning commission has.
- A copy of the letter from the adjacent neighbor has been given to the planning commissioners. The neighbor states the business use is incompatible with the residential zone, there are adverse impacts from the business on them and others such as public health, safety, and welfare, that a nearby bus stop is in conflict, and that the access, noise, and traffic would affect property values and livability.
- A condition is that all vehicles must use 2300 W, not 5700 N and a 45-foot setback for all vehicles and equipment related to the business, including the commercial dumpster.
- A public hearing is not required for an ALUP but the planning commission has the discretion to get input or feedback from the staff, applicant, or neighbors.

Chair Cox asked if any of the planning commissioners had any comments or questions. They determined they would allow questions and comments but restricted the time to 3 minutes per person and 20 minutes total for the discussion.

- Michelle Tullis asked when the original ALUP was processed and Brett explained that this was brought to the county through a code enforcement case. To remedy the situation the applicant has now applied for an ALUP.
- Chair Cox asked the applicant why they did not apply for the ALUP before and Ashlee Lloyd explained they did not know they had to when the business license was approved. Also, the garage was originally permitted as a private garage but has evolved into being used for the business.
- Dustin Hughes shared his concern about traffic flow and feels a turnout would make sense for safety.
- Scott Tobler stated he lives west of the Lloyd property on 5700 N. The Lloyd's have an entrance and a road that follows the west boundary that is 25 feet from his front porch. The whole business was built in front of his front yard. There is a lot of noise that is unbearable including the service trucks idling at 7 or 7:30 am waking them up, heavy trucks pulling trailers rumbling along the road, the garbage truck coming and going to empty their commercial dumpster that is on the fence line, and their vehicles being pressure washed. He asked the planning commission to require them to have their parking area to the north of their shop or out in front of their house instead of in front of his.
- Ashlee Lloyd stated they are in compliance with the code requirements, there are other properties in the area with businesses, they are attempting to rectify all issues, and they are working on an encroachment permit for the access along 5700 N.
- Michelle Tullis noted the driveways for each property are too close.
- Nick Lloyd noted that the only time vehicles go down the driveway to 5700 N is at 5pm and only if they need to turn with a trailer. The work trucks leave at 8:00 am and come back at 4:30 or 5:00 pm.
- Scott Tobler shared that last Monday at 6:00 am a horse trailer came onto the property from 5700 N so the lights shown directly into their bedroom. If the entrance is allowed, he would like it gated so it won't be used often, but would prefer they get rid of it. The applicants live at the other end of the property and don't have to deal with the noise.
- Jared Christensen clarified the ALUP states they would only bring work equipment in and out off of 2300 W.
- Nick shared that they have told the parts delivery trucks to use the 2300 W entrance as of today.
- Chair Cox stated that the planning commission has listened and heard the concerns and can appreciate the issues, but would prefer there not be a back and forth discussion on each issue.
- Roger Thomas noted that when there are differences in zoning uses, including commercial, it is required to add a site-deterring fence and asked if the planning commissioners might consider requiring something like a block wall as a mitigating factor.
- Brett Hamilton explained that it is not a requirement, but a site-obscuring fence could be added (not necessarily a block wall).
- Terry Palmer stated that light industrial zones are required to enclose materials, which is also what is required for this ALUP.
- Roger Thomas clarified that the definition of equipment does not include trailers, just equipment.
- Roger continued that supporting private property rights is important because this is an allowed use, but the neighbor's concerns are valid and maybe mitigation could be done in a creative way.
- Michelle Tullis' idea was to possibly limit hours of operation.
- Chair Cox asked the applicant what their intent was going forward regarding the number of employees, growth, and possible relocation.

- Nick Lloyd shared that if the business gets any bigger it will have to move, but they don't plan on doing that soon even though it may happen at some point.
- Chair Cox noted the ALUP does state they are limited to what they can do at this location.
- Rich Wilson discussed the entrance and driveway by suggesting they move the road to the east to match the 45-foot setback.
- Roger Thomas added the road should have to follow 45-foot setback, but it technically is not a business driveway.
- Michelle Tullis asked and Rich explained that an encroachment permit is required when an entrance is created through a County ROW. Safety, site distance, and reasonability are considered. The Lloyd's and Tobler's driveways are fairly close and the speed limit requires approximately 125 feet between them on a 25 mph road.
- Roger Thomas asked and Rich explained the Tobler's entrances are grandfathered in, but the Lloyd's driveway is new and was not approved. Moving it to the 45-foot setback might be enough, but he would have to review it.
- Brett explained that the 45-foot setback is a condition of approval around the entire property.
- Rich stated the applicant would need to abandon or move the driveway if it does not meet distance requirements.
- Brett recapped the proposed changes include changing hours of operation, adding a site-obscuring fence, and abandoning or moving the driveway off 5700 N (abandoning for personal use as well as business use).
- Jared Christensen noted that if the entrance is moved, it might encourage use, which may be a conflict.
- Chair Cox recommended requiring access be allowed only from 2300 W.
- Mark Halterman asked and Ashlee Lloyd stated their parts deliveries are usually at 8:00 to 9:00 am and they will be entering off 2300 W. The other deliveries, like UPS and FedEx, are throughout the day.
- Roger asked the Lloyds if they were amenable to idling trucks on the east side of the building and said he hoped the neighbors would work it out together since both have rights.
- Nick Lloyd shared the biggest vehicle they have is a Ram 2500 pick-up truck and feels starting them at 7:30 is reasonable.
- Ashlee added the employees vehicles are parked in front of the building so there is not enough space to park them to idle.
- Roger Thomas clarified that the noise ordinance is 7:00 am to 10:00 pm, but the conditions state 7:00 am to 7:00 pm.
- Roger shared that he sees both sides of the story and proposed the Lloyds and Tobler's work together since the permit seems pretty balanced and fair. Chair Cox agreed.

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

Chair Cox noted the mitigation measures that were put in place with the permit were reviewed fully so he recommended the planning commissioners make a motion.

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

**Motion:** Roger Thomas made a motion to grant the Administrative Land Permit.

**Second:** Seconded by Mark Halterman.

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

#### **4. CONDITIONAL USE PERMIT APPLICATION – “Resort Lodge” (39.2 Acres)**

6110 W Bumblebee Springs Rd, Cedar City, UT (E-0290-0002-0000)

*Applicant: Brandon Cox*

##### **Introduction:**

Brett Hamilton shared the following:

- The property is located north of Kanarrville on Bumblebee Springs Rd, fronts a County maintained road, and is zoned A-20, which requires a CUP.
- A resort lodge can include a hall and up to 8 RV spaces subject to a 90-day occupancy limit. The definition has a broad use since several things can be used within this definition.
- The applicant is proposing to phase the development. Phase 1 would include all of the existing structures that they have approved, plus they would like to add a pickleball court and a picnic pavilion.
- The applicants did apply for and get permission for 3 guest houses along the east side of property and are converting them to be part of the resort lodge as resort cabins as short term rentals.
- The reason to phase the project is due to water. They currently have their own private well, which is a non-public water system. On a non-public water system for commercial use, they are limited to a maximum of 24 people (including staff and residents). Once they hit the 25<sup>th</sup> person, they are required by the State to have a public water system, which has more intensive requirements and regulations.
- Additionally, when a 5<sup>th</sup> unit is added, there must be 30,000 gallons of fire suppression water on-site. The applicant is considering a pond for current water suppression at 5 units and has reached out to the Cedar City fire warden to get more information.
- Phase 2 would allow 2 additional resort cabins or 2 RV spaces, but the total number of people must stay below 25.
- The applicant is not planning to expand to Phase 3, but if a future owner wanted to expand, they would be required to have a public water system, they could add a reception hall and up to 8 RV spaces. That would be the full build out if that happens in the future based on this conditional use permit.
- The main structure holds 4-6 people and each casita holds 2 people. The owner does live on site.
- The existing barn is in back and they have identified the location for a pickleball court and a pavilion. The barn does have restrooms and additional showers. They currently have animals including Highland cows and corrals for other animals.



- Their orchard out front includes ~60 trees. They plan to grow a pumpkin patch in the future and possibly add a farm stand, which would require approval of an Administrative Land Use Permit.
- The resort lodge is meant to be experience based. The area is very open, surrounded by agriculture, and they only have one existing neighbor to the south.
- Brandon Cox is the owner/applicant.
- The impacts that were reviewed included traffic, noise, dust, lighting, dark skies, fencing, limitations with a non-public water system, expansion, setbacks, and water suppression.
- One neighbor called with concerns about lighting, but once they understood there would be a condition for downward lighting, the neighbor was fine with it.
- The Planning Commission is the deciding body and Brett asked if they had any questions. (There were no questions.)

#### **Public Hearing:**

Chair Cox reviewed the public hearing considerations and opened the public hearing. The following comments were made:

- Terry Palmer noted that the owners were not in attendance since they were out of town.
- Tracy Zeppenfeld stated:
  - She doesn't understand the permits that the County says have been issued for the duplex and 3 houses and asked how old the permits were since the business has been active and ongoing for 3-4 years. She also asked when they received their business license.
  - The owner lives in the two-story building and the front building is a duplex, which is 2 units, plus they have 3 individual units as well that takes them over the limit of units allowed.
  - She wants to know how this will affect her property value and stated she does not want a resort on her street.
  - Since they likely did not get previous approval, she asked if they have been taxed and fined.
  - She asked if the zoning would change and how that would affect others land around them.
- Chair Cox noted there is no request for a zone change.
- Alexandra Galindo shared:
  - The owners already have a reception hall and she has seen them use it.
  - They live on the property and have children. They seem to have property elsewhere so many are going back and forth.
  - She questions whether they are already exceeding 24 people and using 6 units already.
  - She feels the pond will evaporate so it will not be good for fire suppression. The closest fire department is in Kanarraville and only has 2 trucks.
  - She feels the County does not have correct and current info about the property.

#### **Close public hearing:**

Chair Cox closed the public hearing.

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

- Terry Palmer shared that the County has issued building permits since 2020. He knows they have not been in operation for 3 years. He is aware of what is going on there and he is working with the applicant regarding the duplex since Iron County does not allow them. This will be addressed through a Conditional Use Permit and it will have to be rented as one unit. The building in back is technically not a reception hall and he is aware they have held a couple of weddings and other events there. Personal events are allowed.
- Chair Cox shared that he has been a firefighter in Cedar City for 23 years and said that this area is under Cedar City jurisdiction, not Kanarraville. The Iron County fire marshal will monitor the pond requirements. Code enforcement is tough for a large county so unless someone reaches out, the County may not be aware, but the County will work with the property owners to bring them in compliance.
- Reed Erickson shared that a pond becomes fire suppression by being constructed with a dry hydrant that reached to the bottom of the pond so when a truck pulls up, it draws water from the bottom of the pond. Even if it is frozen, they can draw from the bottom. When the 5<sup>th</sup> unit is added, the fire suppression water must be added. The fire warden will make sure the pond is built to specification. Also, one of the 3 guesthouses has not been given occupancy because they are in process of coming into compliance.
- Terry Palmer stated that short-term rental is allowed in Iron County with a business license. The County will be able to track the business better with this CUP in place for a resort lodge.
- Sam Woodall shared that the standard set by Iron County is to help people be compliant. Although, doing it backwards is not preferred, the desire is to bring them into compliance. In this instance, the staff identified a proper use and have determined how to help them.
- Michelle Tullis asked if they are currently out of compliance.
- Terry Palmer explained the applicants are in compliance with what they have done so far, and they are now working to move the business a step further with this CUP. He told the public to contact him if they have additional concerns.
- Chair Cox read the Review and Findings (Section 17.38.050).

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

**Motion:** Jared made a motion to grant the Conditional Use Permit for the 39.2 acres of property identified in agenda item #4, 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 Roger Thomas

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

(The agenda was reordered and Item #8 was heard before 5, 6, and 7 because Deputy Attorney Sam Woodall had to leave the meeting by 7pm)

## 8. PLANNING COMMISSION TRAINING – Conditional Use Permits

### Staff Introduction and Discussion – No Action

Sam Woodall conducted training regarding Conditional Use Permits (CUP):

- One of the things that was just read while reviewing the findings for the CUP was that a CUP shall be granted. There is a reason and basis behind that, which is explained well in the book “Ground Rules” by Craig M. Call, J.D.
- In the book, on page 81, Mr. Call lists some key points:
  - *A CUP review is to see what conditions should be imposed, not whether it should be granted or denied.*
    - Meaning what conditions are going to help make this use beneficial for everyone.
    - If you as planning commissioners see a situation where you feel like this use is not working, even with a CUP, then talk about allowed uses in the zones and what is not working.
  - *Presumption is that the use should be allowed since that was how the ordinance was written.*
    - We have our table of uses, so it is presumed that the permit will be issued.
  - *No duty for applicant to eliminate all negative aspects of a use-only mitigate.*
    - The applicants do not need to eliminate all detrimental impacts. The planning commission is here to help the public with what they are concerned about.
    - At the end of the day, not everyone will be happy so use the most reasonable approach to the use that is allowed.
  - *May deny if no reasonable condition can mitigate, but should be based on a record with findings made by planning commission with substantial evidence supporting the denial.*
    - When a CUP is denied, it is important for the planning commission to make a clear record.
    - If you do not think you have all of the information needed to make a decision, you can postpone the decision.
    - If you decide not to grant a CUP, then it may cause problems if it is appealed. You must have facts not just someone's word to deny a CUP.
      - For example, Moab City's Planning Commission recommended approval for a CUP with conditions to address concerns raised during the public hearing. The City Council denied it after hearing concerns and explained the reason. The issue is not that they denied it; it is that they did not make adequate findings. Denials are often appealed and reviewed by an appeals hearing officer who will review the recording and the minutes so it is important to make sure the decision is clear and supported. After the Supreme Court reviewed it, they sent it back to the City Council to review for findings of fact and conclusions of law.
- This planning commission has done a really good job discussing the issues and fleshing out what could be done to mitigate them.
- In a recent appeal here at the County, the Appeals Hearing Officer, Randall McCune, stated in his report, “The Planning Commission's decision was supported by substantial evidence in the record, even though there was some evidence contrary to some of the decisions.” Sam shared that Mr. McCune is not stating whether the decision was correct or not, but stated it was supported and Sam agreed that it was. Mr. McCune also stated, “I greatly appreciate the Planning Commission's professionalism in not taking into consideration complaints regarding mental health of possible disability-related issues. Such issues related to a protected class and are inappropriate to consider in a land use application.”
- In Mr. Call's book, he states, “If you want a conditional use denied or conditioned, clamor all you wish, but while you are clamoring, provide some substantial evidence that can be placed on the record to justify your opposition.” He also stated the evidence must be credible.
- Sam told the planning commissioners they are doing a good job of asking for information, clarifying and working with him and the staff to get the information you need, but reminded them it needs to be supported.
- The next steps for the Planning Commission is to determine if one issue or another is being brought up more often than you want. Then, to discuss the table of uses and figure out how to clear it up so the contentious meetings are fewer and the public is less likely to complain.

Chair Cox stated they often hear that the proposed CUP is going to impact property value.

Sam stated this is public clamor, and they need to prove that it will.

Roger Thomas asked and Sam clarified that a current permit must be approved or denied based on the current Table of Uses. Nothing should be left open while waiting for changes to the Table of Uses.

Chair Cox asked if something on the Table of Uses would only be taken off if it cannot be reasonably mitigated.

Rich Wilson clarified that if an issue continually comes up, that is when it should be reviewed to see if it needs to be changed.

Roger asked and Reed clarified if an application is fully vested you cannot stop the process to make Table of Use changes.

Roger stated, regarding the appeal comments, that it sounds like the discussion between themselves supported their decision so it helps to talk about the concerns for the record.

Mark Halterman agreed that doing so for the record is important. The good thing is we are able to mitigate most of the concerns, and we are pretty good at it.

Reed Erickson shared that in the case of the appeal on the resort lodge, the planning commission talked about the road, noise, parking, and lights so it was clear the conditions to mitigate were on record and they were reasonable even if they were not fully eliminated. Mark Halterman noted that each CUP does have 36 conditions each time that are always consistent.

Brett Hamilton also noted that the slides presentations also become part of the record and can be used for an appeal. So much info is presented, but it all helps to keep it organized and understood.

Brett suggested everyone review the Table of Uses as it is now so they can be discussed at the next meeting, but noted they would not take official action. The Table of Uses is available online. He recommended the planning commissioners and staff highlight the ones they think should be discussed.

Roger asked and Reed explained that in January this year, outdoor recreation and some other uses were discussed, but it is always good to review them again.

Rich Wilson added that some were too broad, so the definitions were narrowed.

Chair Cox asked if the recurring contested issued were always in certain zones.

Reed stated that the code could be changed to include more conditions or to change the zone that something is allowed in.

## 5. GENERAL PLAN AMENDMENT – Ordinance 2025-12; Iron County Water Use and Preservation Element

*Applicant: Iron County*

### Introduction:

Brett Hamilton shared the following:

- At the last Planning Commission meeting, we discussed Ordinance 2025-12 regarding Water Use and Preservation and we received good feedback on what things should be considered.
- The roll of the General Plan is to be an advisory guide to land use decision and describes where the County is, where it wants to be, and how to get there. The plan does not create regulations or requirements, but may recommend new policies or strategies. The plan is not code, rather a guideline that includes suggestions for best practices or future changes.
- The State has mandated with SB-110 that all Counties include Water Use and Preservation in their General Plan by the end of 2025.
- The primary purpose is to integrate water planning with land use planning.
- Iron County is in an arid region and relies on groundwater and there has been decades of aquifer overdraft. The Central Iron County Water Conservancy District, who services 90% of the population, projects that by the 2030's there will be a 5000 AFY shortage.
- The CICWCD is a great partner for the County. They have put many conservation measures in place and the County plan can mirror much of what they do.
- SB-110 has 4 main criteria that has been mandated:
  - Effect of permitted development on water demand and infrastructure (What is the current water demand/budget?)
  - Methods for reducing water demand and per capita consumption for existing development.
  - Methods for reducing water demand and per capita consumption for future development.
  - Opportunities to modify operations to eliminate or reduce conditions that waste water.
- Iron County is not a water provider. Water is managed by the CICWCD, municipalities, culinary providers, and private wells.
- Iron County is primarily within the Cedar/Beaver Hydrologic Basin and within the lower Colorado River North region.
- Iron County is at 223 Gallons per Capita per Day (GCPD) compared and the average in the region is 284 so Iron County is lower than the average.
- The Cedar Valley area has reduced their water usage since 1995 by approximately 18%, which makes the County the fourth lowest in the state for water usage.
- The goal for the Lower Colorado River North region is a 19% reduction by 2030, which would bring the GCPD from 223 down to 193. The regional plan projects water reduction goals through 2065.
- There are 3 different valleys in the County that have existing groundwater management plans: Cedar Valley, Parowan Valley, and Escalante Valley (Beryl-Enterprise). Each has a Safe Yield and Groundwater Management Plan (GMP) that includes both municipal and agricultural use. The data shows the GMP annual water withdrawal vs the actual withdrawal has increased:

| Valley            | Safe Yield | GMP    | Actual Average (from 2019 to 2023) |
|-------------------|------------|--------|------------------------------------|
| Cedar             | 21,000     | 28,000 | 43,000                             |
| Parowan           | 22,000     | 33,000 | 27,000                             |
| Escalante (Beryl) | 34,000     | 65,000 | 85,000                             |
- The State's water rights are a "first in time first in right" plan. The older the water right, the longer you are able to keep it (the first person to beneficially use water can establish rights senior to subsequent users). Newer rights are most likely the ones to receive a curtailment if the implementation of the GWMP goes into place. If necessary, due to inability to reduce use, the earliest date the curtailment would go into effect are:
  - Escalante Valley, 2030
  - Cedar Valley, 2035
  - Parowan Valley, 2043
- The Gardner Policy Institute at the University of Utah projections state that within the next 35 years to 2060 that Iron County's population would grow by approximately 28,000 people, which would be near 100,000 people.

- The County has implemented a Tier System that encourages growth closer to the municipalities so the percentage of total population would generally remain about the same in the unincorporated areas.
- The projected demand comes from the CICWCD and their most recent Pine Valley Water Study from 2023. They have been able to procure grant money for:
  - Rebates and different turf replacement programs. Find information at [utahwatersavers.com](http://utahwatersavers.com).
  - Audits of usage to determine if there are leaks.
  - Education and Pricing. They estimate 75% of domestic water is used on outdoor landscaping. The more water you use the higher your rate is.
  - Efficiency Practices. Use of LEPA/LESA sprinklers (20% water savings through LESA conversion).
  - Soil Sensors
- The current Aquifer Recharge Initiative has 7 recharge projects within Cedar Valley and one more in Parowan under construction.
- Conservation efforts for future development include: Irrigation Modernization, Education/Monitoring, Technology and Monitoring, and Canal and Deliver Protection.
- To aid in conservation, Iron County:
  - Requires new subdivisions to have water rights that are issued for a period of at least 50 years from the date of issuance of a building permit.
  - May add turf limits and water efficient fixtures standards.
  - Acquire additional acreage for recharge in Escalante and Parowan Valleys.
  - May add canal linings to reduce seepage.
  - Could work with CICWCD to educate the public.
  - Monitor the canals in Coal Creek, Parowan Creek, etc.
  - Has renovated the landscape at the County Courthouse in Parowan and is currently renovating the landscape at the Justice Center in Cedar City.
  - Will keep natural landscape in the parks and at the fairgrounds to reduce water use.
  - Potentially implement a Water Wise Program.
  - Potentially identify, map, and utilize natural recharge areas including flood areas

Chair Cox noted the report was very well done and the suggestions were awesome noting this is an opportunity to make a difference ahead of time rather than trying to fix it later.

#### **Public Hearing:**

Chair Cox opened the public hearing. The following comments were made.

- Josh Adams shared:
  - His business is living soil management.
  - Irrigation does not matter as much as how much the soil will store.
  - Since this area has a lot of clay soil, adding just 1% of organic matter to 1-acre of land would increase water storage by 20,000 gallons of water.
  - Herbicides, pesticides, and fungicides cap soil off faster than excess tillage will.
  - Adding humates with targeted aeration will allow 20% additional water storage.
  - Rather than spend money of herbicides, pesticides, etc., he recommends spending it on organic matter to help retain water.
- Rich Wilson suggested requiring subdivisions to add in organic matter to aid in absorption and the size needed for retention ponds
- Reed added it would help reduce runoff as well.
- Norm Forbush stated:
  - The slides are great, but they just danced around the real problem. The solution is to quit building so much and stop catering to developers.
  - We live in a desert and depend on snowpack. He has worked for the park service for 33 years and the snow pack is never the same.
  - There are no major rivers and the wells are dry. The governor says 91% of the State is in severe or moderate drought. Iron County is in severe drought and it is getting dangerous.
  - Let's not be handing out building permits and error on the side of caution. He doesn't want Iron County to wind up like St. George. He wants the County to be managed for family and friends not for money.
- Josh Adams shared:
  - He farmed 2,600 acres in Idaho for many years and now owns Living Soil Management.
  - To be able to have covered soil means that water can be infiltrated and used to increase the holding capacity.
  - Detoxifying the different foliage and forages and using natural processes that encourage water retention is needed.
  - He is willing to share his expertise with the County without charging a fee.

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

Chair Cox closed the public hearing.

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

- Brett Hamilton explained that based on the comments he has heard, he thinks the plan could be changed.
- Chair Cox requested the County get additional information from Mr. Adams.
- Terry Palmer agreed, but noted that this plan needs to be approved and submitted as is for now.
- Reed Erickson stated that Brett did well to pull this together to meet the deadline, but it can be revised next year.

- Brett noted that the State may ask for changes as well.
  - Jared Christensen stated that the plan's numbers do not match what he knows about Escalante Valley. The farmers have already done a reduction to meet the 2030 cutoff. He is worried that if the reductions are not met, it will fall back on the farmers and that the State won't take away newer water rights from residential property owners. If so, the banks and others will sue.
  - Mark Halterman stated that all the farmers' wells are monitored now.
  - Rich Wilson stated that popular demand could change how water rights are handled.
  - Chair Cox stated that if a city accepted 1950 water rights, they made a mistake.
  - Rich Wilson shared that last November when the State presented their Water Management Plan; the Staff told developers they had to use old water rights to build. The County was accused by the local realtors of trying to manage water, so the County Commissioners reversed that decision.
  - Reed explained the purpose of this plan is to help us know where our water is coming from, how much we are using, how much we are going to need, and how we are going to provide for it. The plan has no direct regulation. It is to be aware, educate and plan for the future needs.
  - Brett stated he would go back and review the numbers for the Escalante Valley area.
  - Jared Christensen shared that he is the president of the water company in Escalante Valley and they are regulated every year, and fined if they do not meet the regulations. He feels it is the water companies who need to take care of it, not the County.
  - Reed agreed and reminded them that at the beginning of Brett's presentation, he said the County is not in the water business.
  - Rich asked if the County could get a copy of the Escalante Water board for review and Jared said they were working on one now.
- Jared: they meet and working on one.

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

**Motion:** Michelle Tullis made a motion to recommend to the County Commission to approve the General Plan Amendment, Ordinance 2025-12, Iron County Water Use and Preservation Element.

**Second:** Seconded by Chair Cox.

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

#### **6. AGRICULTURE PROTECTION AREA - Approximately 105.51 acres on five parcels**

Located at about 4100 W & 4000 N and 4100 W and 3200 N, Cedar City, UT

*Applicant: Clark & Ruth Webster*

##### **Introduction:**

Brett Hamilton shared the following:

- This item was discussed previously, but taking action was delayed due to needing a recommendation from the Agriculture Advisory Board, which was delayed due to the government shut down.
- The property locations referenced above are zoned A-20 and RA-20 for both areas for a total 105.51 acres on 5 parcels.
- The Sherratt family owns property to the south and requested to be included on this application. The Advisory Board recommended the County accept the Webster's application, but not to include the Sherratt property at this time due to needing a road dedication on their property for the belt route.
- The staff did talk to Paul Sherratt about the process and told him the county would be happy to work with him explaining that the County would pay the expense to do the road dedication.
- The process includes 5 criteria:
  1. Whether or not the land is currently being used for agriculture production.
  2. Whether or not the land is zoned for agriculture use.
  3. Whether or not the land is viable for agriculture production.
  4. The extent and nature of existing or proposed farm improvement.
  5. Anticipated trends in agricultural and technological conditions.
- Once approved, the Agriculture Protection Area is good for 20 years. The owner may remove it any time through a proper request.

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

- Roger Thomas asked why the advisory board recommended not to include the Sherratt property.
- Brett Hamilton explained the board spent most of the discussion on whether to add them or not and it came down to the importance of resolving the road dedication for the belt route. If the protection area were granted first, it could be more difficult for the County to acquire the road dedication.

Reed Erickson added that the staff can work with the Sherratt's on the ROW and then they can apply.

Brett noted that if the Sherratt's came in after the belt route ROW was acquired, they would likely be approved.

Rich Wilson explained the acquisition was in negotiations currently.

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

**Motion:** Mark Halterman made a motion to recommend to the County Commission approval for the Agricultural Protection Area, approximately 105.51 acres, for Clark and Ruth Webster and that it is in compliance with the requirement of the statute.

**Second:** Seconded by Jared Christensen

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

**7. GENERAL PLAN AMENDMENT AND ZONE CHANGE – Tiering & Zoning around Cedar City and Enoch**

**Staff Introduction and Discussion – No Action**

Reed Erickson shared the following:

- This item is to review the tiering and zoning for the Cedar City and Enoch areas noting the whole process will take several months.
- The full information will be emailed to each planning commissioner to review.
- In 1995, when the County created the tiering, we used the municipalities' annexation policy plans, but that has been 30 years so there is a change in where they are growing and what they are going to do.
- At this meeting, we will review some conflict areas for both Cedar City and Enoch.
- The conflict areas for Cedar City Tiering include:
  - The current tiering does not match their current annexation plan. In some locations, they are beyond the County's tiering and vice versa.
  - On the slides you receive, the green area is where the city's annexation plan is beyond our Tier II boundary and the purple area is where our Tier II boundary is beyond the city's annexation plan.
  - For Cedar Highlands, we suggest taking it out of their own Tier II from when they were incorporated and just leave the areas that were there prior to incorporation.
- In Enoch, the conflict areas for Tiering are where the sewer and water are, which is where annexation can occur.
  - The CICWCD does not provide water outside the city limits so the County should pull the Tier II back to the green line, which is where Enoch City limits are.
  - The County should not develop there due to no services, road, water, sewer, etc. Instead of the County saying someone can subdivide down to 5 acres with septic and a well, the Tier II should be pulled back and then only allow development as a unit.
  - On the south side of Enoch, no changes are needed because Cedar City and Enoch's Tier II boundaries meet.
- As you continue around the 2 municipalities, you will see areas where they do not match so he recommended they look at what is allowed in the zone, for protection areas, for access, and for available utilities.
- For now, just focus on the tiering and then we will move to zoning in the future.
- The projected schedule to get through these is
  - Planning Commission review for 3 months
  - Take the proposed changes to Cedar and Enoch to review In February
  - Hold public hearing in March
  - Take to County Commission March/April

Terry Palmer thanked Reed for all the time he has put into this and getting it ready.

**9. MINUTES...** consider approval of minutes for the October 2, 2025 meeting.

Minutes were not ready for review, but will be for the December 4<sup>th</sup> meeting.

**10. STAFF REPORTS...**

A. Building Department      B. County Attorney      C. Planner & Services Coordinator

Brett Hamilton shared that the County Commission approved the tiering and zoning changes around Brian Head.

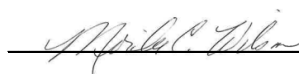
Reed Erickson stated that another amendment to the Airport Overlay will likely be presented at the December meeting.

- The FAA has a different model that other states are using that would change the overlay quite a bit on the south end because most of the complaints locally are from those south of the airport.
- The north end is overregulated so we will look at reducing regulations to allow more residential on 3000 N.
- More details will be shared at the next meeting.

**11. ADJOURN**

Chair Cox adjourned the meeting at 8:20 pm.

Minutes Approved December 4, 2025 by the Iron County Planning Commission



12/5/25

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
**MINUTES**  
**December 4, 2025**

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The Iron County Planning Commission held its regularly scheduled meeting, December 4, 2025, at 5:30 p.m., Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox, Chair  
Roger Thomas  
Michelle Tullis  
Mark Halterman  
Dennis Gray  
Mike Platt (In attendance for agenda items 6 through 13 only)

**Excused**

Jared Christensen

**Staff Present**

Reed Erickson, Iron County Planner  
Brett Hamilton, Iron County Planner  
Terry Palmer, Iron County Building Inspector  
Merilee Wilson, Iron County Engineering Dept.

**Others Present**

Chauncy Harris  
Loy Brown  
Ron & Traci Graham  
Amy & Chris Headlee  
Steve Hinton  
Elaine Hansen  
Tyler Melling  
Ray Bulloch  
Stockton Bulloch  
Spencer Jones  
Kyle Jones  
Jeff Berry

**Representing**

Self  
Self  
Selves  
Selves  
Self  
Self  
Velocity Builders  
Bulloch Holdings  
Bulloch Holdings  
Self  
Self  
Self

**Others Present**

Robert Nelson  
Nathan Harker  
Eli Steed  
Andrew King  
Joshua Harker  
Kari Berry  
Dallas Buckner  
Bob Tuckett  
Samuel Harker  
Kevin Cooke  
David Price  
Randall Williams

**Representing**

Truly Unique Properties  
Flog Industries  
Patriot Arc  
Monarch Meadows Sub.  
Self  
Self  
Go Civil Engineering  
Midvalley Estates Water  
Patriot Arc  
Patriot Arc  
Monarch Meadows Sub.  
Self

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Cox opened the public meeting.  
Roger Thomas led the pledge of allegiance.

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

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

**3. ZONE CHANGE APPLICATION – Ordinance 2025-13; Light Industrial to Industrial – (77.44 Acres)**

Generally located at 400 N & 6800 W, Cedar City, UT (E-0176-0005-0000, E-0175-0180-0000, E-0175-0013-0000, Lots 3 & 4 Lakeside Industrial Phase 3)

*Applicant: Diamond S Holdings, LLC c/o Go Civil Engineering*

**Introduction:**

Brett Hamilton shared the following information regarding Ordinance 2025-13:

- The property is located between the split at Hwy 56 and Iron Springs Road near 200 N.
- One concern is that residential is nearby.
- Silver Hills Pkwy, 200 S, and 6800 W are paved coming into the area.
- Water is provided by the CICWCD and is a fairly new line along 6800 W.
- The proposed change is from Light Industrial to Industrial.
- Industrial does allow some heavier uses, but also excludes other uses such as restaurants, emergency care, etc.
- Depending on the applicant's plans, a Conditional Use Permit (CUP), or an Administrative Land Use Permit (ALUP) may be required.
- Dallas Buckner with Go Civil Engineering is representing diamond S Holdings, LLC.
- The property is located in the Tier IV area and all utility services are available.

- The zone change is a legislative decision so the Planning Commission would make a recommendation to the County Commission who would have the final say on the application.

Michelle Tullis asked and Brett answered that basically everything in the surrounding area is zoned Light Industrial. There are industrial areas further to the west and further along Iron Springs Rd.

Roger Thomas asked if additional requirements would be put in place since it is next to A-20 zoning.

Brett explained that no additional requirements can be added for a zone change, but may be included in a development agreement later on.

Dallas Buckner added that they have done most of the work to change the zoning to Light Industrial in the area. Lakeside Phase III will be recorded soon. People are already interested in developing the proposed Industrial zoned area.

**Public Hearing:**

Erick Cox read the public hearing considerations and opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Brett stated the planning commissioners asked good questions including the impact of adjacent property, adequate transportation, and utilities available, which are the same questions in the Review and Findings.
- Michelle asked about access and additional traffic and Brett clarified they will have access off 200 S and 6800 W.
- Terry Palmer shared there is a loop road now in Silver Hills, Phase 2 to help handle traffic.
- Chair Cox shared that in other areas the County has required Light Industrial in the front portion and Industrial in the back portion of the property.

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

**Motion:** Mark Halterman made a motion to approve the zone change from Light Industrial to Industrial for the 77.44 acres in agenda item #3.

**Second:** Seconded by Roger Thomas.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye)

**4. CONDITIONAL USE PERMIT – “Surface Mining” – Gravel Pit (40.99 Acres)**

Generally located south of Comstock Rd and east of Granite Mountain Foothills Loop, Cedar City, UT (E-0116-0013-0000)

*Applicant: Ray Bulloch/Bulloch Holdings, LLC*

**Introduction:**

Brett Hamilton shared the following regarding the Surface Mine – Gravel Pit:

- The location of the proposed gravel pit is located off Iron Springs Rd and Comstock Rd.
- The definition of a surface mine is the extraction of surface materials that were left from previous subsurface mining, such as the mining tailings.
- The Table of Uses does show a surface mine is allowed with the approval of a CUP.
- The site plan includes a scale house at the north end of the property where the trucks would go before leaving the property, the piles of tailings that would be crushed, and the roadway that would connect with Comstock Rd.
- Hours of operation are 7:00 am to 5:00 pm. Extenuating circumstances would be the only reason to extend these hours and would be very limited.
- The operation would include crushing, sorting, and hauling, which fits well with surrounding surface mining operations. The operation may expand in the future.
- Other impacts reviewed and mitigated by the staff included traffic, safety/security, noise, and dust.
- The Planning Commission is the deciding body for this CUP.

Ray Bulloch shared that they have done everything required including approval from DOGM including archeology and bonding with the State.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Chair Cox read the CUP Findings and Considerations, Section 17.28.050.
- Roger Thomas disclosed he has done business with the Bulloch's, but not for a few years.

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

**Motion:** Dennis Gray made a motion to grant approval for the Conditional Use Permit for the 40.99 acres of property identified in Agenda Item #4, 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 Mark Halterman.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye)

**5. CONDITIONAL USE PERMIT – “Travel Trailer Park” (20 Acres)**

Located at 3748 S 6100 W, Cedar City, UT (E-0261-0026-0002)

*Applicant: Joshua Harker*

**Introduction:**

Brett Hamilton shared the following regarding the CUP for a Travel Trailer Park:

- The property is 20 acres, zoned RA-20, is south of Hamilton Fort, and north of 4000 S along 6100 W.
- The Travel Trailer Park is for four spaces on the north side of the property.
- The definition of a Travel Trailer Park is two or more trailers on a property, regardless of whether or not a charge is made for accommodation. The applicant, Joshua Harker, plans to use the spaces for friends and family who come to visit, not as a commercial travel trailer park.
- The considerations include adequate roads, no track-out, to reduce the impact to adjacent properties with a separation distance, dust control, to identify property (which is already identified with a fence), and some additional conditions.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Chair Cox reviewed the Conditions and Findings, Section 17.28.050.
- Dennis Gray shared that he appreciates the literature that was provided prior to the meeting regarding this CUP.

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

**Motion:** Chair Cox made a motion to grant approval for the Conditional Use Permit for the 20 acres of 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 Roger Thomas.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye)

**6. CONDITIONAL USE PERMIT – “Airport” and “Light Industrial” (36.98 Acres)**

Located at 151 N 500 E, Beryl, UT (E-1387-0017-0000)

*Applicant: Flog Industries, LLC c/o Nathan Harker*

**Introduction:**

Brett Hamilton shared the following regarding the Airport and Light Industrial CUP:

- The application is for two separate uses, an airport and for light industrial.
- The property is just shy of 37 acres near Beryl Hwy, just north of Hwy 56 and Center Street in Beryl.
- The property is in the A-20 zone.
- The applicant would do light manufacturing such as bumpers and tool boxes and the building would house that operation with 12-15 employees. The CUP limits it to 12 employees since it is Light Industrial.
- The applicant is Flog Industries and represented by Nathan Harker. The property owner is Patriot Arc and is represented by Eldon Harker.
- Impacts considered were traffic, truck noise, dust. There are conditions to mark property well, setback, road improvement, maintenance, etc.

Chair Cox asked and Brett clarified the surrounding property is A-20 with a little bit of commercial zoning.

Brett shared that the property was previously owned by SITLA (State Trust Lands). The property to the north is still SITLA.

**Public Hearing:**

Chair Cox opened the public hearing.

No comments were made.

**Close Public Hearing:**

Chair Cox closed the public hearing.

**Planning Commission & Staff Discussion:**

- Brett explained that this CUP follows the same process as the previous CUP's.

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

**Motion:** Roger Thomas made a motion to grant approval for the Conditional Use Permit for the 36.98-acre property 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 Michelle Tullis.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye; Dennis Gray, aye; Michael Platt, aye)

## **7. DEVELOPMENT AGREEMENT – Adams Farm Subdivision (77.45 Acres)**

Generally located at the northeast corner of 3200 N 2300 W, Cedar City, UT (D-0620-0001-0000, D-0620-0000-0000, D-0618-0000-0000)

*Applicant: DDJ Development, LLC*

### **Introduction:**

Brett Hamilton shared the following regarding the Development Agreement for the Adams Farm Subdivision:

- The project is for 3 separate properties totaling 77.45 along 2300 W in unincorporated Iron County. As part of the projects master plan, there is 1 additional property within Cedar City limits south of the 3 parcels that borders 2300 W and 3000 N. The county property and the city property are divided at 3200 N.
- The two most north properties are zoned R-1/2 and the third property is zoned R4K.
- Monarch Meadows is to the north of the proposed subdivision and Fife Town to the west.
- The applicant provided a full plan for all four properties that will be referred to while discussing the development agreement.
- Within the county property, they are proposing approximately 225 total dwelling units that includes a mix of single-family residences and townhomes.
- The development agreement will require approval of the use, density, general configuration and development standards such as:
  - Centralized drainage.
  - Public access walking trails.
  - Off-street vehicle storage.
  - Private centralized open space area (minimum of 4 acres).
  - Various residential densities ranging from 1-acre+ lots to townhomes.
- The applicant is requesting the county approve some standards that are different than the county ordinance, including:
  - Storage Area in the R4K zone
  - Open Space area.
  - Townhome Cluster Size and Spacing.
  - Shared Drainage with Cedar City.
  - Townhome Utilities.
  - Townhome Fences.
- Overall, County Staff does not support the agreement as it is written for the following reasons:
  - The County benefits are minimal even though in some ways the agreement goes above and beyond the ordinance.
    - There would be 40 acres of Cedar City units (townhomes small single family lots) that would share the open space, drainage basin, and outside storage.
    - The agreement gives the developer the right to make the 4-acre park private.
  - The clustering of townhomes is contrary to the purpose and intent of the County's adopted ordinance.
    - The ordinance is designed to avoid high-density pockets and to distribute those units more evenly through the development.
    - The maximum townhome density exceeds the 25% limit of the total base lots.
- To summarize, the project includes 77.45 acres that are zoned R-1/2 and R4K with a maximum of three units per acre across the project site. If the development agreement is approved, it locks in regulations. The agreement would not expire until all facilities have been constructed and accepted as complete by the County and Certificates of Occupancy have been issued for all dwellings.
- After this meeting and after the Planning Commission makes its recommendation, the next step is the public hearing at the December 8<sup>th</sup> County Commission Meeting and they will make the final legislative decision.

### **The following items were clarified by the Staff & Applicant when asked about by the Planning Commissioners:**

- Tyler Melling shared that the development agreement with Cedar City was approved one year ago originally as twin homes, but then it was modified to be single-family homes along the road and townhomes behind that. The larger lots were put at the north for drainage and sewer. He feels that layout is what the neighbors would prefer.
- Brett explained this plan is for 140 townhome units just in the County portion. Several factors go into determining the number, but basically the acreage and density determines the number. If they were to develop the R-1/2 and R4K as is allowed in ordinance, they could potentially get more than the 230 townhome units (possibly 300). Using the 25% criteria, the number exceeds the number the County allows.

- Reed Erickson explained that the 25% of base density does not consider required separation distances. When the townhome clusters meet the separation distance, that higher number could not be reached. The total would be less. The exact numbers have not been calculated because the development agreement is asking for allowances that would determine those numbers. The number could be significantly less depending on the final agreement.
- Terry Palmer explained the private park would be maintained by the HOA.
- Reed explained the development agreement is asking for a layout that allows higher density and higher clustering of townhomes.
- Roger asked for clarification and Brett explained:
  - The number of base lots allowed to have townhomes is 25% of all the units in a development.
  - Townhomes are allowed in R-1/2 and R4K, but it is challenging because there is other criteria that has to be evaluated.
  - The agreement is asking for clustering more townhomes together than what the ordinance allows.
  - The applicant previously provided a secondary plan that showed five different clusters throughout the development.
- Tyler Melling clarified:
  - The secondary plan included 32 unit clusters in the R-1/2, 24 unit clusters in the R4K, per county ordinance.
    - One unit in the northwest area, 1 in the southwest area, 1 in the southeast area and 2 in the middle.
  - While preparing the secondary option, he may have read the County's criteria wrong. He determined approximately 350 townhomes would be allowed, but they are proposing 225 for the full development.
  - He likes the way the County's ordinance is written, but he thinks the option he is presenting today works better for the situation. This current plan was created to accommodate the adjacent subdivision.
  - His only concern about a public park is the liability issues. Cedar City is requiring the trails to be public.
  - In the development agreement they want to memorialize:
    - The increased size of the storage area.
    - Cross-jurisdictional utilities.
    - HOA pays all utilities in County including water and power.
    - No more than 30% rentals.
    - No variations on setbacks.
    - One townhome cluster close to the Cedar City boundary.
  - Cedar City is looking at adding a well so he is looking at planning for that for the entire development.
  - The lots that will be built on first are the 1-acre lots at the north end of the subdivision.
- Reed explained:
  - The County does not require individual units to pay for water. The CICIWCD would determine that.
  - Each building would have utilities and each unit would have connections so the HOA could pay the bill if the utility companies agree to that.
- Brett clarified the development agreement:
  - Does speak to allowing the cluster of townhomes to be in one location and does not reference any separation distance requirements.
  - Does reference being allowed to fence with a vinyl fence to match Cedar City's requirement.
- Tyler Melling clarified the brown area is the R4K area for single-family homes will be larger than 4,000 square feet. The criteria is 10% of the lots must be under 7,000 square feet, but the plans are for a minimum of 6,500 square feet. The purple area is for storage and the blue area is for open space and is sloped to accommodate a variety of flooding events.
- Reed explained the development agreement is tied to the map presented at this meeting that shows the townhome cluster next to the Cedar City border where additional townhomes will be located.
- Tyler shared that there is not a legal description showing the layout, but this map is very close to the final configuration and is described in the development agreement as the southeast corner of the county portion of the project.
- Mike Platt asked that the location of the townhomes be "tied down" in the agreement so that it won't change, to protect future homeowners. He feels a description would do that and give them some room for minor changes and give the overall project a good design flow.
- Brett stated that on page 8, it does talk about the generalized plan and that it could change, but that could be re-written more specifically with a description to avoid major layout changes.
- Reed Erickson explained:
  - That when the ordinance was developed for townhomes with the maximum number of units as 24 or 32 units in a cluster, the goal was to plan a good development that has a variety of housing types so there would not be a large concentration of one type of housing in one area, especially high density housing. The ordinance's intent was to spread it out.
  - The ordinance could be reviewed by the planning commission to propose changes for future developments.
  - When the separation issue came up for the subdivision on Midvalley Rd, the developer decided to take out the townhomes and just have single-family lots.

- The planning commissioners reviewed the previously mentioned concerns the staff has regarding the requests in the development agreement.

### **Public Hearing:**

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

- Edward King shared the following concerns:
  - The project will disrupt the nature of the agricultural area, of 1-acre single-family homes, and area livestock privileges.
  - The plans show the yellow area is ½-acre to 1-acres, but does not specify which.
  - Monarch Meadows Subdivision flooded and the County never remediated so the residents had to carry the costs.
  - There is no retention at the top to secure Monarch Meadows from floods, and this development will now add someone else's water to the problem.
  - The County has no plan for traffic impact on the roads so there will be no place to walk around except the trail system.
  - The road in front will have to be widened.
  - Approving this project is putting the cart in front of the horse regarding drainage and traffic.
  - The culture of Flying L Subdivision and Monarch Meadows Subdivision is 1-acre and ¾-acre lots, so the high-density housing does not fit.
  - The 129 taxpayers in Monarch Meadows have the potential to have their property values lowered.
  - Monarch Meadows has already has issues where people coming and using their facilities.
  - The developer told them one thing and is now doing another.
  - He agrees with Commissioner Platt regarding "locking in" the plan.
  - Cedar City has not addressed curbs and sidewalks.
  - The project includes 275 homes with a 30% rental rate.
  - He is getting a petition together to oppose the project. He expects 300+ will sign it.
  - The commissioners need to look into it the issues and determine how to remedy them.
  - He is asking the commissioners to deny this development agreement.
- Lloyd Brown, Monarch Meadows HOA president shared concerns about sewage, drainage, and turn lanes.
  - Everything north is flat and has to go somewhere so they have had to build retention basins since the County says they cannot ship it out.
  - The sewer is shallow so it will require a pumping station. He would like to see guarantees that it will have a lift station put in.
  - Neither 2300 W nor 3000 N have turning lanes. The road is not designed to handle traffic.
- Mike Platt stated that he heard all of their concerns, but the public needs to remember that before the developer builds anything, they have to address all of these items before construction drawings are approved. He asked that the public not lose sight of the big picture, which is that the valley is growing and there is a process to plan for the growth. The developer's engineer is also capable of doing that.
- Mr. King noted that the townhome clustering would be better for the area so the mountains are not obscured. Having 1-acre lots at the north end is better.
- Ryan Malin stated he is opposed to the rezoning that was done before the infrastructure is built that will accommodate the growth. The high-density homes with two cars each entering on 3000 N will increase traffic and 2300 W is not wide enough for an officer to pull someone over.
- Kari Berry shared concerns about improvement to the road, traffic on the road, the school being overcrowded, losing sheep, and trying to stop the development when it was presented to Cedar City last year.
- David Price shared that he came here to live in a rural area and the changes are heartbreaking.
- Ron Graham stated he lives in Fife Town Subdivision, he is opposed to the project, he moved out there for a rural life, high-density is an issue, and the planning commissioners should not approve this development.
- Chair Cox shared that when he moved here 30 years ago none of the subdivisions in this area were built so he understands the changes. He explained that the owner of this land also has property rights and this development is within the County's guidelines. He shared that his children cannot afford to live in Iron County without the potential for affordable housing. The planning commission is trying to their very best to balance the growth.
- Mr. King suggested the County take away high-density housing and give incentives to first time buyers.
- Tyler Melling was asked several questions by several people so he clarified the following:
  - The entire area to the north in green is 1-acre lots and all in yellow are over ½-acre. These lots, plus the R4K lots are all going to have only one single-family home.
  - Fencing at the rear of the property will be white vinyl and will separate the subdivisions.
  - He needs to go back to Cedar City regarding a wider road, curb, gutter, and sidewalk because the City wants the road, then the ditch and then the trail.
  - There will not be offsite parking.

- There will be two full acres of gated storage.
  - Sewer will include a fully enclosed lift station.
- Amy Headlee asked and Chair Cox clarified that the agreement will likely be edited and then once agreed upon and approved it cannot change.
- Terry Palmer added:
  - This body will recommend to the County Commission.
  - He appreciates all the questions.
  - The staff has reviewed it and now the planning commissioners are asking questions to work out details.
  - The actual design process has a long way to go because the staff and County Commission will be reviewing it.
  - He understands all the concerns.
  - The biggest sheep owner in county is the developer.
  - Everyone is aware and very concerned with what happens. Staff has reviewed it, the planning commissioners (who volunteer their time) have reviewed it, and then the County Commission will review it.
  - There is still a lot to work out during the design process before any building gets started.

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

Chair Cox closed the public hearing.

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

- Mike Platt shared that 2300 W is a 75-foot ROW so it is not likely to be changed to a 100-foot ROW in 30 years.
- Reed Erickson shared that Cedar City and the County have discussed the Stevensville Ditch, the drainage, and maintenance
- Michelle Tullis clarified there are three ingress points, one on 3000 N and two on 2300 W. She recommended having “turn ins”.
- Chair Cox asked and Tyler shared that the entrances do not line up with the road across the street, but are far enough apart that they are adequately spaced.
- Spencer Jones noted that there are no plans to go further south on the west side of 2300 W.
- Mike stated that he would prefer the townhomes all be clustered together as a way to protect the homeowners and, if that is acceptable, to define that in county portion of the development agreement.
- Michelle Tullis shared that if this is allowed outside of the County ordinance, it may set a precedence.
- Mike shared the same concern, but is open to looking at the R4K ordinance again to possibly change it. Also, the applicant likely put a lot of time into this plan and the engineer may have come up with a better solution in this case.
- Dennis Gray stated that there are many unanswered questions and the development agreement should answer all of them. He would like the answers before approval especially if this might be the direction the county is going in. He would like to protect both the homeowner and the county.
- Reed shared there is a public hearing Monday at the County Commission meeting. If there is not a recommendation from the Planning Commission, the public hearing will still happen, but it does not mean they have to make a decision. The item could come back to the Planning Commission for further review.
- Dennis asked the staff if they would change their opinion on the development agreement if all of the questions were answered.
- Reed responded there are pros and cons to this design. The con is that this does fit not within the intent of good separation of townhome planning in the R4K zone. The challenge is knowing what the right number of clusters is before it becomes its own community. Good communities are made up a variety of housing types, different ages, and different income brackets, which creates a healthier community. The staff is not saying this is a bad development, we’re saying it is in conflict with the ordinance and what the County is trying to achieve. Property values are best kept high when there are a mix of housing types in the same development. The development agreement ordinance simply articulates a need to show what the benefits are to the County if a variance is requested.
- Roger Thomas noted that in Section 7, it states the ability to modifying the agreement is with the developer, but there needs to be a 2-way agreement and it needs to be reasonable. Other than the townhome clusters, he did not see anything else that would change what the County subdivision ordinance requires.
- Tyler Melling explained he requested a copy of the Harmony Mountain Ranches agreement to use as a template to create this agreement. The agreement states that making small changes are to be done by the developer, but anything substantive that would change their rights or anything else would go through the County’s legislative process to amend.
- Terry Palmer stated that when they come to the building side of it, they will have to comply with all the fire and construction codes.
- Roger shared that the County is working on developing a street light ordinance. In the agreement, it says they are vested in the current ordinance and asked how this would affect them.
- Reed explained that currently lights are required. The changes to ordinance will include the type of lights, spacing, downward, etc. In addition, curb, gutter, and sidewalk are required in R4K and R-1/2 so a variation during the subdivision approval would have to be presented if they want any of that modified.
- Chair Cox asked the planning commissioners if anyone would like to make a motion or what they wanted to do.

- Dennis talked about not wanting to impede the plan, but also wanting questions answered so at this point he would recommend the County Commission not approve due to those questions.
- Reed recommended they not say it that way, but rather they could just say to table the item and come back to the planning commission to address specific concerns.
- Roger asked and Reed explained that doing so would still allow the public hearing to happen at Monday's County Commission meeting.
- Tyler asked what those questions are and the staff said they would put together a list for him.
- Reed explained they could recommend approve of the agreement with modifications that must be addressed.
- Roger reviewed the concerns and noted that the park and fencing were resolved, and that the drainage and sewer will be addressed in the subdivision approval process.
- Mike agreed that many concerns could be addressed in the subdivision approval stage, and they need to remember this decision is just for the development agreement.
- Reed clarified that the crux of the concerns is the townhome clustering.
- Tyler stated that it comes down to what the planning commission wants. His understanding is that the neighbors want the larger lots near the neighbors and slowly transition to smaller as the lots get closer to Cedar City limits. This plan is on a small enough scale neighbors will be using the same trails, parks, etc. He shared that he is building a custom home in a neighborhood very similar to this one. There will be a townhome directly across the street from him. The development being discussed at this meeting would not have apartments, and the townhomes would only be two stories.
- Mike, Roger, Reed, and Terry discussed whether to revisit the townhome ordinance in 2026 or whether to just go through the process each time like was done with this proposed development.
- Spencer Jones shared that they are trying to create a nice project. They talked to Monarch Meadows HOA president and put the 1-acre lots on north end. Without this development agreement, they could have two or three townhome clusters at the north end, but are choosing not to because they want to be a good neighbor. The concerns about putting the townhomes in one place and about drainage is supporting the wants and needs of those neighbors.
- Roger asked if they could put in the agreement not apartments.
- Tyler and Terry explained that is already covered in County ordinance as townhomes only and includes the number allowed. Tyler agreed to add that the stories would be two stories only.

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

**Motion:** Mike Platt made a positive recommendation for the development agreement provided they supply a legal description stating where the townhomes will be and that they will limit the building height to two stories.

**Second:** Seconded by Michelle Tullis.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye; Michael Platt, aye)

## 8. AIRPORT OVERLAY ZONING – Map and boundary changes

### Introduction:

Reed Erickson shared the following regarding the Cedar City Airport Overlay map and boundary changes:

- In 2020, the County modified the airport overlay and encouraged Cedar City to do the same and they wanted to wait until the Airport Master Plan was complete.
- Cedar City has now adopted their Airport Master Plan, which is very specific to the airport land.
- Now, Cedar City and the County need to modify the overlay and adopt those together so it is the same whether you live within Cedar City limits or in the unincorporated area of the County.
- The original overlay was done in 2001 when the County did not have near the guidance by the FAA for land use regulations that they have now. The FAA website has states that Local government is responsible to determine the land use regulations around the airport.
- He has met with Cedar City officials, planner, and engineer as well as the airport manager and board and has educated them on the FAA's requirement that it is the local government's responsibility to have a land use overlay for the surrounding property.
- The information shared at this meeting is a brief introduction with no intention of having any action tonight.
- Land use compatibility around the airport is the focus. The four compatibility items include:
  - Air traffic noise.
  - Potential for structures and anything that would interfere with the aviation.
  - Electronic interference (drones, radio frequency, etc.)
  - Interaction with aircraft and wildlife (waterfowl, birds, and critters like prairie dogs).
- The documents he will be using for discussion came from 3 primary areas:
  - Federal Circular provided by FAA
  - Idaho, California, and State Regulations

- The old airport overlay from 2001 and modifications from 2020. The identified zones are not current with FAA language.
- The updated regulations requires:
  - An end of runway protection zone.
  - An inner safety zone.
  - An outer safety zone.
  - An inner turn zone
  - An outer turn zone.
- The Airport Master Plan has a map showing sound contours. For example at the north end of the runway, the decibel levels are 60, 65, and 70, so the chart shows that certain uses are allowed if the decibel level is below 65.
- Because of the previous plans and how development was done, there was an effort to make some areas of the inner safety zones fit to what already exists and then to make an outer safety zone.
- The group decided together that the airport overlay was overly regulated in the past so adjustments were made to adjust those. The change on the north end was to narrow up that outer safety zone and take away the approach zone and instrument approach zone, and just have inner and outer safety zones. The land uses will then be associated with those zones, which will allow more uses.
- The biggest change is on the south end because large tankers take off to the south that did not 20 years ago. Seventy percent of the planes land on the north end and take off at the south end. Wind conditions may reverse that.
- Any zone can be created in a way that seems best, but the challenge is to determine what the allowed uses of that land are. Single-family home developments already exists on the east side of Westview Drive so that has to be considered.
- The recommendation is to take the existing model and create a new runway zone, and then come up with a table of uses by zone, with conditions.
- Reed will email the information out for the planning commissioners to review, which includes definitions of flight phases and data/graphs of crash information.
- The goals are to:
  - Have Cedar City and the County adopt the same overlay ordinance with safety zones.
  - Require Navigation Easements in areas of the Outer, Inner, and Lateral Safety zone for all development.
  - Create language to address wildlife attractants.
  - Address electrical interference potential.
  - Explore safety restrictions on the south end for take-off that would be similar to the north end restrictions.
- The FAA recommends a 25-decibel noise level for construction, which is already being done due to our climate with insulation, insulated windows, and building materials. The overlay would also reference the 25-decible requirement.

#### **Planning Commission & Staff Discussion – No Action**

Information only -- no action taken.

### **9. GENERAL PLAN AMENDMENT AND ZONE CHANGE – Tiering & Zoning around Cedar City and Enoch**

Reed Erickson shared the following:

- The draft of proposed changes to the Tier and Zone changes around Cedar City and Enoch are based on their current annexation plans and the current Tiering and Zoning the County has in those areas.
- The recommendations in the packet show where “conflict” areas are.
- The changes on Tier II will bring it close to the municipality.
- After reviewing the draft, he would like input from the planning commissioners.

#### **Planning Commission & Staff Discussion – No Action**

Information only -- no action taken.

### **10. TABLE OF USES – Review Conditional Use Permits in Chapter 17.16.030**

Brett Hamilton shared the following:

- This is a follow-up from the last meeting to make some changes to the approval process for some uses.
- Both Administrative Land Use Permits (ALUP) and Conditional Use Permits (CUP) are tools to regulate land uses that are not automatically permitted in a zoning district.
- The primary difference between an ALUP and a CUP is that one is administrative and one is legislative.
  - A CUP is tailored for the use with conditions, and requires a public hearing.
  - An ALUP is more straightforward and does not require a public hearing.
- The staff reviewed the Table of Uses and what was required for different land uses, and determined the ones that should be looked at in the future for consideration.
  - The letter definitions in the Table of Uses are:
    - P = Permitted Use
    - A = Administrative Land Use

C = Conditional Use  
X = Prohibited Use

- The following are suggested to be moved from “C” to “A”:
  - Retirement Home
  - Park and Ride Facility
  - Telecommunications Site/Facility in Industrial zones
  - Indoor Recreation in Commercial zones
  - Laundry, Self-Service (Laundromat)
  - Child Day Care Facility/Preschool Center
  - Day Care Center/Assisted Care Center
  - Veterinary Clinic, Without Outdoor Holding Facilities
- The following are suggested to be moved from “C” to “X”:
  - Correctional Institution – Not Allowed in Commercial, but keep in A-20 and Light Industrial)
- The following are suggested to be moved from “A” to “P”:
  - Guest House – in R-5, R-2, R-1, & R-1/2
    - This is the number 1 administrative land use permit done now and very time consuming.

Mike Platt and others discussed resort lodges and where they should be allowed.

Brett clarified that some requests may not have concerns so could go through quickly, but others may need to be brought to the planning commissioners for review. In addition, use definitions could be reviewed by the planning commissioners and staff as well.

**Planning Commission & Staff Discussion – No Action**

Information only -- no action taken.

**11. MINUTES...** consider approval of minutes for the October 2, 2025 and November 6, 2025 meetings.

Chair Cox asked for one change in the November minutes to change the word “spoil” to “soil”.

**Motion:** Mike Platt made a motion to approve the October 2<sup>nd</sup> and November 6<sup>th</sup> meeting minutes with the suggested word change.

**Second:** Seconded by Chair Cox.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye; Michael Platt, aye)

**12. STAFF REPORTS...**

A. Building Department - none

B. County Attorney - none

C. Planner & Services Coordinator

Reed recommended the January 2026 meeting be changed to the 2<sup>nd</sup> Thursday of the Month.

**Motion:** Chair Cox made a motion to change January’s meeting to January 8<sup>th</sup>.

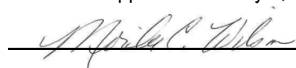
**Second:** Seconded by Mike Platt.

**Motion passed:** (Voting: Erick Cox, aye; Roger Thomas, aye; Michelle Tullis, aye; Mark Halterman, aye, Dennis Gray, aye; Michael Platt, aye)

**13. ADJOURN**

Chair Cox adjourned the meeting at 8:15 pm.

Minutes Approved January 8, 2025 by the Iron County Planning Commission



1/9/25