

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

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

Members Present

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

Excused

Laine Sutherland
Mark Halterman

Staff Present

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

Others Present

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

Representing

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

Others Present

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

Representing

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

1. WELCOME AND PLEDGE OF ALLEGIANCE

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

2. PUBLIC COMMENTS – Non-Agenda Items

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

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

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

Introduction:

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

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

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

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

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

Reed explained:

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

Public Hearing:

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

Public Comments:

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

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

Chair Thomas closed the public hearing.

Planning Commission & Staff Discussion:

The planning commissioners and staff clarified the following:

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

Mrs. Salcido responded with the following:

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

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

The staff and ICPC discussed:

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

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

Chair Thomas noted the following:

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

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

Second: Seconded by Erick Cox.

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

Additional Comments:

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

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

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

Introduction:

Reed Erickson shared the following regarding the Zone Change Application:

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

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

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

Reed continued:

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

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

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

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

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

Public Hearing:

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

Public Comments:

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

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

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

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

Close Public Hearing:

Chair Thomas closed the public hearing.

Planning Commission & Staff Discussion regarding the zone change:

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

Planning Commission Action – Recommendation to County Commission

(Approve, Approve with modifications, Deny or Continue)

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

Second: Seconded by Jared Christensen.

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

5. CONDITIONAL USE PERMIT APPLICATION – “Light Industrial”

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

Introduction:

Refer to Agenda Item #4, Introduction.

Public Comment Period:

Refer to Agenda Items #4, Public Hearing.

Planning Commission & Staff Discussion regarding the CUP:

The staff and ICPC members clarified:

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

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

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

Planning Commission Action – Recommendation to County Commission

(Approve, Approve with modifications, Deny or Continue)

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

Second: Seconded by Mike Platt.

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

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

Introduction:

Reed Erickson shared the following regarding the proposed ordinance changes:

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

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

Comments made by the ICPC included:

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

Public Hearing:

Chair Thomas opened the public hearing.

No comments were made.

Close Public Hearing:

Chair Thomas closed the public hearing.

Planning Commission & Staff Discussion:

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

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

Planning Commission Action – Recommendation to County Commission

(Approve, Approve with modifications, Deny or Continue)

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

Second: Seconded by Jared Christensen.

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

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

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

Second: Seconded by Mike Platt.

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

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

9. **ADJOURN**

Chair Thomas adjourned the meeting at 8:20 pm.

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



Signed

1/5/2024

Date