

IRON COUNTY COMMISSION MEETING
JANUARY 8, 2024

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 8, 2024
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Michael P. Bleak	Commission Chair
Paul Cozzens	Commissioner
Marilyn Wood	Commissioner
Jonathan T. Whittaker	County Clerk

Also present:

Karsten Reed	County Assessor
Lucas Little	County Auditor
Blaine Nay	County Bee Inspector
Sam Woodall	County Deputy Attorney
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Mike Worthen	County Natural Resource
Reed Erickson	County Planner
Kenneth Carpenter	County Sheriff
Josh Martin	USU Extension

Others in attendance:

Janelle Adams	Ben Anderson	Hayden Ballard
Carol Barker	Cindy Bulloch	David Coates
Gene Davenport	Billy Davis	Cassie Easley
Bruce Ewen	Patrick Larson	Nathan Moses
Cal Robinson	Ken Robinson	Jeff Richards
Susan Sepe	Amanda Stedt	Diana Stiller
Tammy Vogt		

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INVOCATION

An invocation was offered by Blaine Nay.

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by George Colson.

APPROVAL OF MINUTES

Michael Bleak made a motion to approve the minutes of the Iron County Commission meetings held on December 11, 2023. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

APPROVAL OF CLAIMS FOR PAYMENT

Marilyn Wood made a motion to approve Claims for Payment from December 11, 2023, to January 7, 2024. Second by Michael Bleak. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

REORGANIZATION OF THE IRON COUNTY COMMISSION ASSIGNMENTS, AND APPOINTMENT OF THE IRON COUNTY COMMISSION CHAIR FOR 2024

The commissioners reviewed the list of the 2024 Iron County Commission Assignments and made no changes at this time.

Marilyn Wood made a motion to appoint Commissioner Michael Bleak as the Iron County Commission Chair for the year 2024. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

OPEN MEETING LAW TRAINING

Samuel Woodall, Deputy Iron County Attorney, gave the annual Open Meeting Law Training, reviewing the requirements of UCA § 52-4.

COMMISSION REPORTS

Marilyn Wood, Iron County Commissioner, reported that on January 3rd the Iron County Council of Government (ICCOG) met to discuss any community issues. The Utah Department of Transportation (UTOT), 5 County, and City Mayors also attended the meetings that were held every other month. Issues that were discussed were the roads, transportation, and the South Interchange. UDOT had been working on solutions for the South Interchange and would be presenting 3 options soon. Livestock trails were also discussed. Iron County was fortunate to have our predecessors who assigned and mapped livestock trails throughout Iron

County. Marilyn noted that there was a Zoom meeting with the Utah State Association of Counties, Commissions & Councils (USACCC) regarding new legislation being discussed at the upcoming Legislative meeting, with more bills being introduced than ever before. She noted that Representative Rex Shipp opened a Consumption Tax Bill (HB 113) and was hopeful that it would pass. Marilyn expressed her appreciation to everyone who had supported the sales tax bill. Commissioner Wood explained that Iron County was in the process of hiring a Weed Supervisor as the previous supervisor left the position. This would be a full-time position and would be under the direction of Wade Adams. Marilyn reported that Parks and Recreation was excited about an MOU for improvements to parking and trail maintenance. The Trail Maintenance Crew would be housed at the Iron County Fairgrounds.

Paul Cozzens, Iron County Commissioner, reported that he and his family traveled to New Zealand to pick up their daughter from a church mission and was glad to be back home. Paul noted that he would be attending the 5 County Behavioral Health meeting on Wednesday, January 10th at 10:00 a.m. and the Steering Committee meeting at 12:00. He reported that the meetings were open to the public. He reported that Commissioner Wood had reached out to him regarding the addition of an Equestrian Building at the Iron County Fairgrounds. He noted that he reached out to CO Building Systems to assist with pricing. Commissioner Bleak had also reached out to another company for help. Marilyn Wood reported that funding would come from the Transient Room Tax (TRT) and Tourism, Recreation, Culture, & Convention Tax (TRCC) funds. Marilyn Wood reported that there were currently no facilities to house animals during the Iron County Fair.

Michael Bleak, Iron County Commissioner, reported that he attended the BZI Steel end-of-the-year meeting with the Inland Port Authority. The Inland Port Authority had been able to bring over 100 train loads of steel into BZI since July 2023. Plans for an Industrial Park project in that redevelopment area were moving forward that would benefit Iron County.

PUBLIC HEARING, AND DISCUSSION (NO ACTION) OF PROPOSED IRON COUNTY ORDINANCE AMENDMENT – COUNTY CODE AMENDMENT TO ORDINANCE 2022-6, EVIDENCE OF AVAILABILITY OF NECESSARY SERVICES- WATER RIGHTS PRIORITY DATES (ORDINANCE 2024-1 TITLES 15, 16, & 17) – TO BE CONSIDERED FOR APPROVAL AT THE JANUARY 22, 2024 COMMISSION MEETING

Michael Bleak, Iron County Commissioner, explained that no action would be taken on this agenda item today due to notification requirements. The item had been presented at the January 4th Planning Commission meeting and to meet that notification requirement, action would be taken at the January 22nd Iron County Commission meeting. Michael noted that this was an ongoing issue.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding Ordinance 2022-6, Water Rights priority dates.

Public Comments:

Tammy Vogt, Equity Real Estate, noted she was here to represent buyers/sellers who were having a difficult time with this issue. Tammy reported that this situation had been very difficult for home buyers who were on a fixed income. Some had purchased land and water rights, placed a well on their property to only find out that they could not build on their land. She noted that she had sellers that had water rights that, overnight, became worthless. No one would buy the property because the water right dates were too junior. The water rights had been on the property since 1935 and because of one year, they were not worth anything. Tammy reported that this had become a hardship having to go out and find more expensive water rights. Older water rights add to the cost of housing and home ownership was already difficult in Iron County.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed regarding Ordinance 2022-6, Water Rights priority dates.

Discussion:

Paul Cozzens explained that he had had many discussions and had attended the previous Iron County Planning Commission (ICPC) meeting. There was a great discussion and debate regarding this item. Sometimes when the commission passes ordinances there were unintended consequences that were not considered. Paul reported that when the ordinance was passed it was with the understanding that the 1934 water rights date was to be consistent with other entities when a developer wanted to develop property and sell it with water rights. Unfortunately, individual issues were not considered and he agreed that the ordinance needed to be fixed. He explained that the State of Utah owned all the underground water. Water rights holders had the right to use the water based on the priority dates established. After World War II, many soldiers came home and requested water rights to be able to farm. In many of the basins, the water was over-allocated. They tried to protect the system, but at that time did not understand how much water could be allocated. Commissioner Cozzens explained that he had submitted an 1890 water right to Central Iron County Water Conservancy District (CICWCD) to be allowed to connect to their system. He noted that he had been involved in water discussions for at least 11 years of his public service. Kent Jones, the previous Water Engineer, stated that the state had to manage the basins to ensure they were safe and that we would not run out of water. The Groundwater Management Plan was set to calculate how much Mother Nature put into the underground water supply, which was 21K acre-feet of water in the Cedar Valley, but 28K acre feet of water was being pumped each year. It was the duty of the Water Engineer to enforce water rights to alleviate over-usage. Commissioner Cozzens stated that it would be horrible to have to go and shut someone's water off. The questions were, "Would they turn off the water? Maybe. Can they turn off the water? Yes." Paul noted that when the water level drops, you may still own the water rights but there was no water left. The challenge for the commission was how to let people know about the water rights dates for a person purchasing previously owned property. He gave an example of an individual buying a water right and building a home and living the remainder of their days, and then selling the home, with the Junior water rights to another owner, who may not be aware that their water is in danger due to the Junior water rights and possible curtailment. Another example Paul gave was that of an unscrupulous developer who purchases some Junior water rights, and then develops land with that Junior water, leaving the unsuspecting buyers of lots in danger of eventually losing their water. One solution would be when a person comes in for a building permit to also record a notice that the property is in a groundwater management plan area, and that the water rights in use is a "Junior" or a water right with a later priority date. Paul suggested that such notices be recorded in the Iron County Recorder's Office, when a water right is used for a small system that does not meet the scale of a "water system," being 7 lots or larger. In this case, a building permit would be issued, and a notice would be recorded. For larger systems, Junior water rights would not be allowed. He expressed concern about protecting both those seeking to build a home as well as those who would purchase afterward. Paul noted that this approach would keep the pressure on the developer of a small system of less than 7 lots to provide Senior water rights due to the transparency.

Commissioner Marilyn Wood expressed that she agreed with Paul Cozzens. Transparency was key. Marilyn noted that she had been in many real estate closings, and there was always a stack of disclosures at that time. She noted that a recorded notice would be a permanent reminder to future buyers of the land and accompanying water. Marilyn noted that she was uncomfortable withholding building permits, even when Junior water was being used. She expressed that a recorded document stating the nature of the Junior water right, then future buyers would know.

Paul Cozzens reported that he reached out to a local banker and asked if he was aware of this issue. They could be approving a 30-year loan and the water right might not last that long, which would be a concern for them.

Patrick Larsen, resident of Paragonah, reported that he was self-employed and purchased 2 acres (4 lots) of property to use for rental income. Patrick explained that he was able to share the well but needed to buy another water right. If there were any type of restriction listed on a deed it would affect him being able to get a construction loan. He noted that he grew up in

Phoenix, Arizona and they had the same water issues. Their solution was to drill deeper. They were not telling people to shut off their water. Patrick stated that he felt that this plan was flawed and the experts were wrong. He was pleased that different approaches were being discussed.

Commissioner Cozzens reported that when he was on the Groundwater Management Plan Board had asked the state three different times if they would consider drilling deeper for new water and the answer was no. The reason was because the water could be going to someone else and their rights could be impaired. Iron County was a subdivision of the state and had to abide by their decisions.

Tammy Vogt, Equity Real Estate, noted that the point of concern with developers was valid. Developers were coming into the Cedar Valley and planning large subdivisions. It was not unreasonable to have a priority date requirement for them so it could be put into their business plan. Tammy explained that water rights were "free-floating real estate." Mr. Larsen could put the water rights on the well on his property, then later move those water rights to a different property. A deed restriction on a home was not the solution because the water right could be moved around. Commissioner Wood asked Tammy how the new buyers could be alerted. Tammy replied that disclosure was the key. Real Estate professionals were very aware of disclosures and a large part of what they do. However, it was also the sellers' responsibility to disclose. The sellers Disclosure Document carries a lot of weight. She reported that the disclosure document the realtors provide for potential buyers included all the information that they would want a buyer to know. It was not a required document currently, but maybe someday it should or could be. Unfortunately, there was no sellers' disclosure document.

Nathan Moses, Regional Engineer Division of Water Rights, clarified that the state does not take water rights away, the owner still owned the rights, they were just not divertible because of their priority date. Nathan explained that it was similar to a surface water system. There were more water rights to surface water system than was typically provided. When there was enough water on the system, they could make full use of it. Groundwater was both easier and more difficult because there was a "large bowl of water and everyone had a straw to suck water out of it," so it continued to drop. By statute, no one was guaranteed a static water level, so it was legal to lower that groundwater level. Under Utah Code Section 73.5.15 it was mandated to have a groundwater management plan based on the "safe yield of the water" of the basin. A study was performed by the United States Geological Survey (USGS) to determine the safe yield of the basin. The Water Engineers were required, by law, to regulate water rights through the Groundwater Management Plans to make sure that what was pulled out of the basin was equal to what was being put into the basin. Nathan explained that the Groundwater Management Plan statute allowed the Water Engineers to gradually adopt a plan, which was the Priority Regulation Schedule. They realized that many economies were dependent on water rights so it was a slow implementation, but recognized there was a problem. The longer it took to implement the groundwater management plan the lower the aquifer would be. If there was an earlier water right, you have to drill deeper to get what was previously more shallow. He noted that he recognized that there were difficulties on both sides of the issue, and understood the pain it was causing. Whatever action was taken it would affect the future. Nathan explained that the groundwater management plan was adaptive. If there were improvements being made to the aquifer it could have a positive impact on the plan. He noted that it was not his intention to direct Iron County on how to proceed, but he did like the ideas that were being presented. A softer landing and better messaging was better for the public. Commissioner Cozzens asked Nathan if these water right issues were really dire, and gave an example of drilling wells at Quichapa Lake. When drilling began it was at 32 feet and now it was 100 feet. Nathan replied that in a 40 year period the water level at Quichapa Lake had dropped 80 feet or 2 feet per year. If an aquifer was over-pumped it becomes damaged and would begin to collapse. Nathan reported that the Safe Yield date of July 25, 1934 was for the Cedar City basin. The date was only an estimation and could change. Beryl/Enterprise date was March 1, 1944. The Parowan Groundwater Management Plan was currently being created and had not been adopted, but the drafted date was December 5, 1951.

Billy Davis, ERA Realtor, explained that in the State of Utah, the discovery responsibility when purchasing property falls on the buyer. As a buyer, you need to do your due diligence. By

law, realtors had to supply a Due Diligence Form to a buyer, which they must read through and sign. It required many things for them to do, one of which was water rights. The most important to some was a proper home inspection, but some do not do that. Mr. Davis noted that he had appreciated the meetings and discussions. He expressed his appreciation for the effort that had been made to come up with a solution. Billy read a comment he prepared, "Although better than the original ordinance, which disallowed a building permit to those in possession of a so-called "Junior" water rights, the potential change or amendment brings its own issues and challenges. By recording a deed restriction, the county would potentially be harming the ability of a buyer to purchase property with a private well and a junior water right. Lenders, and more importantly underwriters, might deny loans based on their lack of understanding of this issue. The most likely to be harmed by this would be low-income buyers. As with the original ordinance, the county is effectively harming the rights of property owners and the value of their property. Anytime government hinders the rights of property owners they have overstepped their authority. In most cases that he could think of, government interference with anything regarding property rights and values has always ended badly. He was here today to ask respectfully that you repeal this ordinance and put the solution on hold. At least the portion pertaining to individuals until further discussion and collaboration with partners in the area can yield a better compromise."

Cindy Bulloch, an Appraiser, explained that as an appraiser they were required to disclose water rights. Not all transactions go through a realtor, nor do all transactions require funding. But, if it went through any type of lending institution, and they ask for an appraisal, an appraiser should also do their due diligence and look into the water right. Then report the effect on the potential values. If there were a water right that might possibly expire within a couple of years it would need to be disclosed.

Carri Jeffries, Iron County Recorder, reported that a recorded document was a public record and does show up on a title report. Carri was concerned that having this restriction notice recorded would affect a buyers' ability to obtain a loan and it might affect their value. How would her office receive the payment and who would make sure it was paid? Carri explained that she was required to collect fees at the time of the recording. Another concern was the release of the restriction. Who was going to release it? She explained from the Recorder's standpoint, any person who brought her a recordable document (signed, notarized, legal description, etc.), and paid the fee, she would record it.

Cal Robinson, Security Escrow & Title Company, explained that once the document goes on record with the legal description, it would remain on the parcel until someone rescinds it. There was a form required to rescind a document. Cal reported that Cedar City, Parowan, Enoch, and the CICWCD all sell water. He understood why the commissioners were concerned, but it was not their responsibility.

Nathan Moses reported that the State Water Engineers do not typically allow water rights to be stacked.

Janelle Adams, State Bank of Southern Utah, reported that their biggest concern was loan devalue. The bank had several loans with Junior water rights that were now immensely devalued. Janelle agreed that transparency was important, but it would devalue affordable housing. She explained that the bank would more than likely require a larger deposit. It would be wiser to address the issue upfront rather than later. This would affect all types of loans. Disclosure would be the best way to handle the issue. Janelle noted that this has affected her personally as she had a home under construction in and existing subdivision Cedar City and was not told she had to pay impact fees until the day she went in to pay for her building permit. Fortunately, she could afford it, but many would not be able to at the last minute.

Gene Davenport, a citizen of Iron County, noted that she was greatly affected by this water issue. She reported that she owned a lot with 1955 water rights. She was a former broker and agreed that the ordinance should be rescinded, and that disclosure was the key to resolving the issue. Gene explained that a new broker was under the wing of a senior broker who was very concerned that things were done correctly. Placing a notice on a title was difficult to remove and would require the purchase of another title report.

Jon Whittaker, Iron County Clerk, noted that he was concerned if a building permit was issued without notice, that Iron County would be liable for a lawsuit for being irresponsible.

DISCUSSION AND POSSIBLE ACTION REGARDING TEMPORARY PROCEDURAL CHANGES TO THE ENFORCEMENT OF IRON COUNTY ORDINANCE 2022-6 AS RECOMMENDED BY THE IRON COUNTY PLANNING COMMISSION WHILE AMENDMENTS ARE BEING CONSIDERED

Paul Cozzens made a motion that no action be taken at this time. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED ZONE CHANGE FROM RURAL AGRICULTURE 20 ACRES (RA-20) TO AGRICULTURE 20 (A-20) FOR APPROXIMATELY 66.02 ACRES (WITHIN THE SE¼ SECTION 34 & SW¼ SECTION 35, T37S R 12W, SLB&M, IRON COUNTY, UT (APN: E-340-6)) – LOCATED AT APPROXIMATELY 563 S. SPRING CREEK DRIVE, KANARRAVILLE, UTAH. Applicant: Glen Knudson.

Reed Erickson, Iron County Planner, explained that the property was previously approved for 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. Reed reported that property was located just south of Kanarraville. The applicant, Glen Knudson, requested to move the 66.02-acres back into the A-20 zone. He noted that the Iron County Planning Commission (ICPC) entertained a Light Industrial (LI) zone with a Conditional Use Permit (CUP), which was approved contingent upon the Iron County Commissions approval of rezone to A-20. Services available were: Water-private Well, Fire Suppression-Utah WUI and Building Codes, Sewer-Septic, Transportation corridors-Spring Creek Road, Drainage-to maintain historic flows and locations for entry and exit, Power, Gas, Communication-in the area. Reed reported that this was not a LI zone, but in the A-20 zone, light industrial may also occur if it was inside of a building (i.e. welding, cutting). Some outside storage was allowed, but must be screened. It also limited a maximum of 10 full-time employees. He noted that it was a 60' x 80' barn-dominium steel building (steel building with living quarters inside).

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a zone change.

No Public Comments were offered.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) after review and findings, confirmed that the applicant was compliant with the Iron County Policy – Evaluation Consideration for Re-Zoning Property, and recommended approval.

Marilyn Wood made a motion to approve a zone change from Rural Agriculture 20 acres (RA-20) to Agriculture 20 (A-20) regarding APN: E-340-6 as presented by Reed Erickson. Second by: Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, DISCUSSION AND POSSIBLE APPROVE OF A PROPOSED PRELIMINARY SUBDIVISION-“SAGE MEADOWS PRELIMINARY SUBDIVISION, PHASE 1” – 54 LOTS (11.21 ACRES) LOCATED AT APPROXIMATELY 2675 W MIDVALLEY ROAD, CEDAR CITY, UTAH, WITHIN THE NE¼ SECTION 16, T35S, R11W, SLB&M, IRON COUNTY, UTAH (APN: D-597-10. APPROVAL – PEAK VIEW MASTER DEVELOPMENT PLAN – AMENDMENT, SAGE MEADOWS MASTER DEVELOPMENT PLAN ADOPTION, SAGE MEADOWS PRELIMINARY SUBDIVISION, PHASE 1 Applicant: BC Development, c/o Chris Archibald

Reed Erickson, Iron County Planner, explained that in the Subdivision Approval process, there were also Master Community Development plans. There were three separate actions listed for approval. There was not a separate code that required them or a process of amending them, so they are done under a subdivision approval but approved separately. Reed noted that Phase 1 of the Sage Meadows Subdivision was originally part of the Peak View Subdivision Master Plan.

Reed reported that the first action was to amend the Peak View Master Plan to remove the Sage Meadows area out of the Peak View Master Plan. The second action was to adopt the Sage Meadows Master Plan Development, including Phase 1 and Phase 2. The third action was to approve the Sage Meadows Preliminary Subdivision, Phase 1 – 54 lots. The Sage Meadows property was rezoned in its entirety for the master plan to the R4K zone. Reed reported Public Services available were: Water by CICWCD, Sewer by Cedar City Central Sewer, Fire flow/suppression-CICWCD (hydrants) UWUI Code & Building Code, Transportation corridors – Midvalley Road & 2600 W, Drainage to maintain historic flows and locations for entry and exit (master drainage concerns with newer phases draining into older phases), Power, gas, communications-in the area, Criteria for subdivision: Compliant (open space, parking, storage, etc).

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding a proposed Preliminary Subdivision – Sage Meadows (APN: D-597-10).

Cassie Easley, a citizen of Iron County, stated that after listening to previous concerns with water rights, she wondered why the county was allowing more users. Marilyn Wood noted that it was under the older water rights from the CICWCD.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

Reed Erickson reported that the Iron County Planning Commission (ICPC) after review and findings, confirmed that the applicant was compliant with the Iron County Code 16.12.100 – Preliminary subdivision plat approval - Procedures, and recommended approval.

Paul Cozzens made a motion to approve the Peak View Master Development Plan – Amendment removing Sage Meadows from the master plan regarding APN: D:597-10 as presented by Reed Erickson. Second by: Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Marilyn Wood made a motion to adopt the Sage Meadows Master Development Plan regarding APN: D: 597-10 as presented by Reed Erickson. Second by: Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul Cozzens made a motion to approve the Sage Meadows Preliminary, Phase 1 regarding APN: D: 597-10 with a variation of no fencing and street lights, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PUBLIC HEARING, AND DISCUSSION (NO ACTION) OF PROPOSED IRON COUNTY CODE AMENDMENTS – ORDINANCE 2024-1, SUBDIVISION PROCEDURES AND NOTICING REQUIREMENT UPDATES “TITLES 15, 16, & 17, IRON COUNTY CODE”, IN COMPLIANCE WITH STATE CODE CHANGES. TO BE CONSIDERED FOR APPROVAL AT THE JANUARY 22, 2024 COMMISSION MEETING

Reed Erickson, Iron County Planner, explained that the Legislature passed SB-174 (subdivision requirements) and SB-43 (notice requirements), which required Iron County to have them in place by February 1, 2024 (smaller cities/counties by December 31, 2024). SB-174 directed updates to Sections 17-27a-604.1 and 604.2:

- Section 604.1:
 - Designate an Administrative Land Use Authority (ALUA), now the Zoning Administrator, has the responsibility to review and approve, specifically to subdivision of one or two-family dwellings and townhouses (Multi-family, Commercial, or Industrial subdivisions may be reviewed otherwise, as designated by County). Pre-application meeting by request within 15 days;
 - The final plat cannot be reviewed by the County Commission, just the ALUA;
 - Final plat cannot be review by Planning Commission or Iron County Commission;
 - ALUA for review & approval on preliminary and final plats;
 - May hold only one public hearing.
- Section 604.2:

- Review by ALUA if subdivision application and construction drawings within 15 days;
- Review of final plat by ALUA complete within 20 days;
- If applicant does not submit revised plan within 20 days, ALUA has additional 20 days to review;
- Maximum of four review cycles;
- Applicant must respond in writing to comments if the applicant disagrees.
- SB-43 directs the county regarding noticing (Defined):
 - Reed suggested adding additional notices that are not covered by Class A or Class B, but that the County does regularly;
 - Class C Notice (10 Days): Mailed notice to adjacent property owners;
 - Class D Notice (4 Weeks): Class B (4 weeks), plus week physical posting, plus mailing to adjacent PO (each parcel that takes access from road & w/in 300' of access), plus public hearing, UDOT notification.
 - Class E Notice (24 Hours): Utah Public Notice Website, Post at Office or Meeting Location, Notice to Newspaper (annual)
- SB-43 (Applied):
 - Class C Notice: ALUP, Subdivision (Minor, Preliminary), CUP plus Class, and Subdivision Plat Amend plus Class A;
 - Class D Notice (4 Weeks): Road/Street Vacations plus Class B;
 - Class E Notice (24 hour notice): PC & CC meetings, Annexation Agreement/Approval, Island or Peninsula Approval, Contested ALUP, and Road Acceptance for Maintenance.

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. He suggested adding more details based on the types of subdivisions and the sizes of subdivisions in Iron County. The two spreadsheets have all the ordinance change information and are broken out based on size rather than type of use. Reed explained that Iron County's ordinance says 14-day notices were required, but would be changed to 10 days to match state code.

Michael Bleak, Iron County Commission Chair, declared a Public Hearing open regarding Code Amendment to Iron County Ordinance 2021-1.

Diane Stiller, resident of New Harmony, noted that New Harmony was located in Iron County and Washington County. She attended as many commission meetings as possible in both counties to keep updated on any changes. She expressed concern about the timing and delivery of notifications because there were residents from both counties. This would affect all residents but only a few would be notified.

Michael Bleak, Iron County Commission Chair, declared the Public Hearing closed.

PUBLIC COMMENTS

Cassie Easley, a citizen of Iron County, explained that she wanted to list some concerns that had been expressed to her about what was happening in the community. Some of those concerns were:

- Monday morning Commission meeting time. There would be more opportunity for open dialogue;
- New Iron County Jail. She stated that it was not in the Utah Constitution to have a jail, it was legislation. Commissioner Bleak explained that as of the last Legislative Session, the Utah State Constitution was amended to include the Sheriff's Office as a Constitutional Position. Cassie noted that residents agreed that there were issues at the current jail facility and that something needed to be done. However, the disagreement was with a 600-bed jail, and no independent feasibility study was conducted on the current jail. The reason was they did not trust the commissioners and they felt threatened into giving the commissioners what they want. The commissioners need to convince the public that this new jail was the "way to go." No one wants to continue to hear "this is what we are going

to do” or “this is what we have to do and you need to be on board with us.” “Convince then that what you are saying is the truth.”

Commissioner Cozzens reported that the commission did ask the architect take a week and perform a feasibility study to remodel the current jail. The argument could be made that the architect would make money on building a new jail, but he could also make money on a remodel. The architect did a very extensive explanation of the results of the feasibility study at one of the jail meetings. (Cassie reported that she had not attended that meeting) Paul noted that very few attended that meeting but it was recorded and could be watched. Cassie reported that she did not know of the meeting and was told about it at the meeting that was held January 3, 2024. She stated that she did not have the time to check every meeting that the commissioners had. Many did not feel confident that they were being told everything in an honest manner. They did not feel that it would cost \$90M to remodel the current jail. The state reported that Iron County was a Class 3 Rural County and was not projected to change that class until 2062. The state messed up and Iron County did not need to be the one paying for their mistake by taking their prisoners;

- Many did not trust the government on any level.

Commissioner Bleak reported that every concern that was brought up had been addressed and answered at the many meetings that had been held. Every meeting was available to listen to online at www.ironcounty.net. Most of the meetings were held in the evenings to accommodate those who could not attend the morning meetings.

REVIEW AND RATIFICATION OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY AND THE UTAH DEPARTMENT OF NATURAL RESOURCES (DNR) FOR PARKING AND TRAIL MAINTENANCE

Sam Woodall, Iron County Deputy Attorney, explained that this agreement was drafted with the DNR and Parks and Recreation. It was a five-year agreement to use the Iron County Fairgrounds for parking equipment and office space for a computer. Sam reported that the MOU was subject to review annually. After the first 5-year term, a 6-month notice could be given if Iron County wanted to terminate the MOU early.

Marilyn Wood made a motion to approve the Ratification of MOU between Iron County and the Utah Department of Natural Resources for parking and trail maintenance as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL FOR EXTENSION OF A PROFESSIONAL SERVICE CONTRACT FOR WILDLIFE MITIGATION TECHNOLOGIES FOR MIKE WORTHEN

Mike Worthen, Iron County Natural Resource Management Specialist, explained that this was an extension of his current contract for the 2024 year. Reed Erickson, Iron County Planner, expressed his appreciation for Mike Worthen and how important the work was that he did for Iron County.

Paul Cozzens made a motion to approve the extension of the Professional Service Contract for Wildlife Mitigation Technologies as presented. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

ANNUAL IRON COUNTY BEE INSPECTOR REPORT FOR 2023

Blaine Nay, Iron County Bee Inspector, explained that this report was in accordance with Title 4, Chapter 11 of the Utah State Code, Utah Bee Inspector Act. Under the Utah Bee Inspector Act, each county was required to have an inspector and required all beekeepers to be registered. The beekeepers' inspection process was to help beekeepers diagnose pest and disease problems in their hives. Blaine reported that he inspected 18 apiaries with a total of 67 colonies. If upon inspection, any diseased, and or, parasitized colonies were found, he would help the owner of the bees with treatment or have them destroy the colony. He noted that while he was inspecting the hives he was looking for parasites and the mite county had to be below 2% to keep the colony healthy. One dead colony had 57 mites in ½ cup of alcohol wash. Proper post-inspection sanitation was completed. Blaine reported that the mite problem could become a

problem and the beekeepers need to be aware of how to count the mites (which he trained them to do) and to keep on top of it.

DISCUSSION AND POSSIBLE APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN IRON COUNTY SCHOOL DISTRICT AND IRON COUNTY FOR EMERGENCY BUSING SERVICES

George Colson, Iron County Emergency Management Manager, explained that he was concerned with the evacuation of large parts of Iron County in the event of an earthquake. Public transportation was not available in Iron County which was the reason to enter into a MOU with the Iron County School District. George reported that he prepared a MOU which had been approved by Sam Woodall and the Iron County School District. The MOU required Iron County to reimburse the School District for any damage to any of the school buses during an evacuation. George recommended approval of the MOU by the Iron County Commission.

Marilyn Wood made a motion to approve a MOU between the Iron County School District and Iron County for emergency busing services as presented. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

2024 COOPERATIVE AGREEMENT BETWEEN UTAH STATE UNIVERSITY (USU) EXTENSION SERVICES AND IRON COUNTY

Josh Martin, USU Extension-Iron County, explained that the annual cooperative agreement allowed USU to house an Extension Office in Iron County to provide services to the public for things related to agriculture. Josh reported that the USU Extension Office was fully staffed. Megan Johnston was hired to replace Kathy Riggs who recently retired.

Paul Cozzens made a motion to approve the 2024 Cooperative Agreement between Utah State University (USU) Extension Services and Iron County. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DISCUSSION AND POSSIBLE APPROVAL OF A GRAZING PERMIT AGREEMENT WITH BALLARD LAND AND CATTLE LIMITED COMPANY (APN: E-241-65)

Mike Worthen, Iron County Natural Resource Management Specialist, explained that the Grazing Permit Agreement was for 40 acres NW of Beryl Township. Iron County owned a gravel pit and Ballard leased School & Institutional Trust Lands Administration (SITLA) land surrounding the pit and with the approval of the agreement he would not be required to build a fence around it.

Marilyn Wood made a motion to approve a Grazing Permit Agreement with Ballard Land and Cattle Limited Company (APN: E-241-65). Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

PERSONNEL

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented new hire Collin Shurtleff as a Full-Time Scale Operator Technician 1 in the Landfill Department, effective January 8th. This was a backfill of a vacant position; new hire Kevin Swensen as a Full-Time Appraiser/Data Analyst in the Assessor's Office, effective January 8th, new hire TBD as a Part-Time Parowan DMV Technician in the Assessor's Office, effective TBD. This was a backfill of a vacant position; new hire Adam Andresen as a Full-Time Corrections Deputy 1 in the Sheriff's Office – Corrections, effective January 7th. This was a backfill of a vacant position; the promotion of Christopher Caro from Deputy 1 to Deputy 2 in the Sheriff's Office – Corrections, effective January 21st; and new hire Cami Cox as a Part-Time Marketing/Administrative Assistant for the Iron County Fair Department, effective January.

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

NON-DELEGATED ITEMS

No Non-Delegated items were discussed.

ADJOURNMENT

Michael Bleak, Iron County Commission Chair, declared adjournment.



Signed: ~~Michael Bleak~~, Chair

PAUL COZZENS Pro Tem



Attest: Jonathan T. Whittaker, County Clerk

