

IRON COUNTY COMMISSION MEETING
JANUARY 22, 2024

Minutes of the Iron County Commission meeting convened at 9:00 a.m. January 22, 2024
in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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

Also present:

Karsten Reed	County Assessor
Luke Little	County Auditor
Terry Palmer	County Building & Zoning
Richard Wilson	County Chief Engineer
Sam Woodall	County Deputy Attorney
Cherisha Lister	County Deputy Auditor
George Colson	County Emergency Management
Jennifer Bradbury	County HR Director
Reed Erickson	County Planner
Carri Jeffries	County Recorder
Kenneth Carpenter	County Sheriff
Nicole Rosenberg	County Treasurer

Others in Attendance:

Janelle Adams	Ben Anderson	Michael Bahr
Laura Barnowski	Kevin Bunnell	David Burton
Sherri Carlson	Serena Close	David Coates
John DiAntonio	Mrs. English	Bruce Ewen
Jay Grimshaw	Donn Jersey	Kathy Lamoreaux
Patrick Larson	Nate Moses	Mark Owens
Craig Parmley	Carolyn Ray	Jeff Richards
Cal Robinson	Lowry Snow	Amanda Stedt
David Steed	Tammy Steed	Diana Stiller
Patti Truax		

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INVOCATION

An invocation was offered by David Burton.

PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Karsten Reed.

APPROVAL OF CLAIMS FOR PAYMENT

Paul Cozzens made a motion to approve Claims for Payment from January 8, 2024 to January 21, 2024. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

DEPARTMENTAL REPORTS

Karsten Reed, Iron County Assessor, gave an overview of the Department of Motor Vehicles (DMV). Initially, the DMV signed contracts with the smaller counties in Utah to have the county assessor operate the DMV, which covered the cost of the operation, and the state would reimburse the county. Karsten reported that the last negotiation of the reimbursement rates was 23-24 years ago. Since that time, the state had increased the rate by over 1000% while the counties had not seen any change. He noted that Iron County was reimbursed at a rate of around \$100K per year, but it costs around \$500K per year to operate. The original intent of the contract was to not have this as a huge burden to the counties. Karsten reported that Iron County was the last Class 3 County (population between 40K and 175K) where the assessor operated the DMV. Other counties had turned the DMV back to the state because it was no longer a benefit. He noted that Iron County, at some point, needed to decide what was reasonable and whether turning this over to the state was the best course for the taxpayers. The challenge for Iron County to renegotiate the contract was that all the counties were on the contract so every county had to come together to renegotiate the rates. He had contacted the other smaller counties to begin the process of renegotiation. There was no parity and the smaller counties were losing money to the state. Karsten noted that he had talked to the regional office and was planning to speak with Monty Robinson of the Utah State Tax Commission. He reported that Wayne County attempted to renegotiate the rates for 5 years with the State Tax Commission and no one listened. This would only work if all the counties were united. Karsten noted that a county-operated DMV operated 1000 times better than the state. The smaller counties were more efficient and provided person-to-person help. Many customers come from Washington County to the Iron County DMVs, but Iron County does not receive any money from Washington County for providing the services. Marilyn Wood asked if it would be a benefit to get the Utah Association of Counties (UAC) involved. Karsten replied that he had contacted UAC and requested their help. Paul Cozzens suggested that Karsten speak to our legislative representatives to possibly open a bill. Karsten reported that the Assessor’s Office had recently backfilled two positions. Nely Garcia

was hired to backfill Riley Carter's position and Kevin Swensen was hired to backfill an open assessor position. He noted that Kevin Swenson was previously a Dean at LDS Business College and taught Statistics and Regression Analysis. Kevin had an Appraisal License and also taught Broker classes for most of the Brokers in Iron County. Karsten reported that there was an additional requirement from the Utah State Tax Commission. The tax burden had shifted dramatically away from commercial/industrial properties towards residential properties. There was increasing clamor by taxpayers for property tax relief. He noted that the counties were working with the legislature on their audit of the assessor's offices to determine why this was happening. It was becoming clear that county offices need more commercial appraisal support. The legislature was trying to address this with legislation that might assist Assessor Offices with some additional budget, but the representative from the State Tax Commission had also suggested that Iron County in particular, be proactive and try to hire an additional commercial assessor. Karsten reported that Brian Hoffmeier, Iron County Commercial Appraiser, had the highest number of commercial properties per assessor in the state. Brian was swamped and was doing a great job. Karsten noted that there had been some structural changes in the office, but there was still a need for additional support to keep up. Karsten reported that an additional change that his office was facing budget-wise, was that because of the pressure from taxpayers, the Tax Commission was increasing the Educational Requirement for each assessor in the state. Because the state does not offer online or distance education, the staff was required to complete this training in Salt Lake City. Most courses were a week long and the additional hours were going to cost Iron County an additional \$15-\$20K in travel and training. He noted that as an assessor group, they were lobbying the State Tax Commission to begin providing some of this training online, but for this year and next year, the training would be live classes only.

Carri Jeffries, Iron County Recorder, reported that Total Documents recorded in 2023 was 12,619 which was down 26.47%. There were 55 Subdivision Plats, down from 64 in 2022, and 869 new accounts for 2023. The total Revenue was \$509,632.45 down from \$687,206.00 in 2022. Iron County currently had 53,817 property accounts. Carri noted that the Recorder's Office ended the 2023 year under budget at 93.53% spent. She reported that the Recorder's Office was currently working on two projects. One project had been ongoing for a few years and would continue to be ongoing. Carri explained that Iron County went on computer in 1983. Any documents recorded before 1983 had been scanned, but would need to be added to the Eagle System, one document at a time. The process for this was that you had to first create a document, scan the image, and type in all the information to be indexed, which allowed it to be searched online. She noted that all the documents were available in her office, but not online. Carri reported that the second project was having Kendal Allan, Iron County Geographic Information Systems (GIS) Coordinator, create a map for surveys (approximately 4000) and link those surveys to the parcels on a map. It was currently online for a Beta-test for people to observe and offer any feedback. There were currently 1,000 surveys on the map, with approximately 3,000 to go. Carri explained that the intent was to have a property owner search their property, see if there was a filed survey, view the image on the map, and see if there were surveys near them.

Nicole Rosenberg, Iron County Treasurer, reported on the end of the 2023 year. Product sales collected was \$72,038,696.06. Marilyn Wood asked what the Rail Car Payment was for. Nicole explained that it was a once-a-year payment for how many miles of track that went through Iron County. She reported that 2023 Funds Distribution to Iron County was only \$13,944,709.15 out of the \$72M collected. The Pooled Cash funds were doing well. Nicole reported that the Public Treasurers Investment Fund (PTIF) interest rate was 5.43% at her last report, and was currently at 5.47%. Interest collected was just under \$3M. Outstanding Property Taxes was \$9.836M. Nicole reported that Melanie Hall, Chief Deputy Treasurer, began working on the May Tax Sale last week. Presently, the list was at 99, with 14 of those being campsites (which would not be sold). With those 14 not on the sale, the number subject to sale was at 85, which was the lowest beginning number in memory. Nicole noted that she attributed that low number to Nichole Bess who goes above and beyond searching for other contacts if the tax notice was returned. Her office staff worked very hard to keep someone's property off the tax sale. Nicole explained that when people move, it was their responsibility to notify Iron County

with their most current address. Most assume that when they do a forwarding address with the post office, others would be notified of the change. She noted that this year there had been issues with the mail getting in on time. The Provo Distribution Center closed and the Iron County mail now went to Las Vegas. She did provide a note on the tax notices of the change and urged customers to mail their taxes in early, or encouraged them to pay e-check online. There were still issues with the postal system as some mail was returned with the correct address on the envelope, and her office had to pay postage to send it out again. Nicole reported that the Treasurer's Office ended 2023 under budget. She expressed her appreciation to her staff for working hard and that they were great to work with.

Paul Cozzens, Iron County Commissioner, reported that the legislative session had begun and he was tracking many of the bills. Paul encouraged citizens to watch how some of these bills would affect Iron County and their wallets. He noted that it was easy to watch and participate in the meetings with Zoom. Symbria Patterson, Red Acre Farms, held a Utah Farms & Food Conference. Representative Thomas Massie of Kentucky spoke and gave a great presentation. Paul reported that he attended the Behavioral Health Committee meeting last week. It was interesting to note that a gentleman gave a presentation on the success of the Parowan Prevention Coalition. These programs began with the DARE Program and were very effective. Commissioner Cozzens reported that Commissioner Taylor, Garfield County, reported that he had attended a National Conference and they highlighted Utah and 5 County with the results of reduced numbers of substance addiction of our youth. He would be attending a Cedar/Beaver Watershed Council at 2:00 p.m. today. Paul explained that the watershed councils were set up by the legislature throughout the state. They had been involved with the Tooele Watershed Council which dealt with the West Desert. The Cedar/Beaver Watershed Council would discuss water issues that affect the State of Utah.

Marilyn Wood, Iron County Commissioner, expressed her appreciation to Michael Bleak, Jon Whittaker, and Sheriff Carpenter for testifying in support of HB 113, sponsored by Representative Rex Shipp regarding the Jail Consumption Tax, which passed out of the House Revenue and Taxation committee unanimously. HB 113 now moved to the House of Representatives, then to the Senate. Marilyn noted that she also attended the Utah Farms & Food Conference and was able to visit with Thomas Massie. She reported that Mr. Massie invented a small scoreboard that he wore on his pocket that tracked the National Debt. When he entered an elevator with other Congressmen he would turn it on the brightest setting. Commissioner Wood reported that on January 16th, interviews were held for a new Weed Department Supervisor. Amber Hatch was offered the position and accepted. She had worked with the Utah Department of Agriculture & Food (UDAF) and had experience with grant writing. Marilyn noted that she attended the Weed Board meeting where they discussed White Top and Thistle and the importance of keeping them sprayed and under control.

Michael Bleak, Iron County Commissioner, reported that this was Transient Room Tax (TRT) and Restaurant Tax season. Michael explained that the taxes were collected from those who ate at local restaurants and stayed at local hotels and motels. The taxes went into programs to help tourism bring visitors to Iron County. Their grant presentations were held last week. He noted that he attended the Homebuilder's Association luncheon. Governor Cox was in attendance and installed Tyler Allred as the 2024 President of the Iron County Homebuilder's Association. Commissioner Bleak reported that he met with the Veterans of Southern Utah regarding the Veterans Center to be built in Iron County. They were not asking for funding from Iron County, they just wanted to keep Iron County informed of the progress. Last week Michael was able to attend the legislative session and testify to the House Revenue and Taxation committee regarding HB 113, which as previously reported, passed unanimously out of that committee. He was able to speak to other legislators for continued support of the bill. Commissioner Bleak reported that on Thursday, January 18th, there were reports of Carbon Monoxide (CO) exposure at Canyon View Middle School (CVMS). On Saturday, the Iron County Emergency Management became involved. A few students and faculty presented to the Cedar City Hospital and at the St. George Hospital for Hyperbaric Chamber therapy with Level 1 exposure. The facility was immediately closed and the Hazmat Team went in and inspected the

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building. The Cedar City Fire Department, Emergency Management, and the Utah National Guard 85th, a premier hazmat team were brought in. Where others might not find anything, the Utah National Guard 85th could find what they could not. If there was a point of contamination the 85th would find it. He noted that the Iron County School District was doing a great job of keeping on top of this and CVMS would hold online classes on Monday and Tuesday, or when the school was cleared to return. Jeff Richards, Iron County Spectrum, reported that the 85th did find a generator as the point of contamination. Commissioner Bleak expressed his appreciation for a great response to this issue.

PUBLIC COMMENTS

Patti Truax, resident of Kanarraville, stated that she wanted to state the fact that she was a resident of Kanarraville. She expressed her appreciation to Commissioner Bleak and Sheriff Carpenter for coming to the different entities to discuss the new Jail. Patti reported that she felt that the unincorporated residents of Kanarraville were not notified of any of meetings that had to do with Kanarraville. Unincorporated residents could not use the dumpster and she had paid municipal taxes for 15 years. There should not be a separation of incorporated and unincorporated Kanarraville. All residents of Kanarraville should be included with all issues that would affect Kanarraville because it would affect everyone, not just those listed in the town.

Mrs. English, a citizen of Iron County, reported that she was Autistic with Sensory Overload. All the heavy fragrances in the Courthouse building made it hard for her to attend the meeting, which was why she had to stand outside the commission chambers to speak. She felt discriminated against. The different smells in the commission room was overwhelming. Jon Whittaker, Iron County Clerk, noted that he noticed the strong fragrance in the building today. Iron County had hired a new cleaning company and whatever they sprayed was strong. He noted that he would visit with them about the issue. Mrs. English noted that body odor was better than perfume to her.

PRESENTATION OF THE ANNUAL PAYMENT IN LIEU OF TAXES (PILT) PAYMENT FROM THE STATE OF UTAH

Kevin Bunnell, Division of Wildlife Resources (DWR) Regional Supervisor, noted that he was pleased to be here to present the Annual PILT payment to Iron County for \$2,505. Kevin expressed his appreciation for the great working relationship with Iron County. He reported that Commissioner Cozzens might have an email requesting an e-signature regarding the Utah Prairie Dog (UPD) Memorandum of Agreement (MOA). Kevin explained that the DWR had listed in their work plan to perform a Species Status Assessment, which was the first step towards a Delisting Proposal. The process of delisting the UPD might take five-plus years to complete, but this was the first step. The MOA needed to be signed by all participants before the process began. It had been signed by the Forest Service, and Bureau of Land Management (BLM), and was now before the counties. Kevin reported on the Watershed Restoration Initiative. He explained that this was a partnership with the state, counties, and federal agencies. There had been over 150K acres of watershed restoration throughout the State of Utah, with 10K of those acres being in Iron County. Jon Whittaker expressed his appreciation for all the work that had been done with the UPD. Kevin noted that Reed Erickson and Mike Worthen deserved as much of the credit for what had been done in Iron County.

DISCUSSION, AND POSSIBLE PERMISSION TO MINE LEAD SHOT FROM SHOT ZONE, WHICH IS LOCATED ON IRON COUNTY PROPERTY

Douglas Hansen, Cedar City Trap Club, explained that the Trap Club had been in operation since 1978. There had been great cooperation with Iron County and Cedar City. Douglas reported that the shooting occurred on Cedar City property, but the Lead Shot landed on Iron County property. He noted that the trap club had mined the shot fall area two times previously, the last being in 2012. The trap club signed a contract with a contractor to remove the lead shot from the area, with the contractor taking 70% and the gun club getting 30% of the lead of the sales proceeds. The money from the sale of the lead was used to purchase new throwers

and upgrades to the facility. Douglas explained they would be mining 4" of topsoil off and run it through a trammel then sell it. There were approximately 36,000 pounds of lead on Iron County property. After they had mined the property they would level and seed the area.

Marilyn Wood made a motion to approve permission to mine Lead Shot from the Shot Zone located on Iron County property. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens. Aye; Marilyn Wood, Aye.

INTRODUCTION OF THE NEW ARTISTIC DIRECTOR FOR THE UTAH SHAKESPEARE FESTIVAL

Michael Bahr, Executive Managing Director of the Utah Shakespeare Festival (USF), reported that there were three purposes for coming today. First, Michael expressed his appreciation for the support of the Iron County Commission. Second, that there was a change in leadership at the USF, and third, to report on the success of the USF. Michael Bahr introduced the new Artistic Director, John DiAntonio, and turned the time over to him.

John DiAntonio, Artistic Director USF, reported that he had moved to Iron County 3 months ago. John noted that he felt fortunate and honored to be here representing USF as the Artistic Director. He and his family moved from Creed, Colorado, and love Iron County. He explained that Creed, Colorado was a very remote city. For decades Silver Mining was the main economic driver there. When the silver mines closed in the 60s, the Junior Chamber of Commerce decided to turn the old movie house into a theater. They sent letters out to 20 Universities and only heard back from one, the University of Kansas (UK). UK came out and began a theatre. Fifty-eight years later, the Arts were the economic driver in Creed. John noted that he had ran the theater for years and learned the importance of the arts and live storytelling and that it took a village to make a show successful. He expressed his appreciation for the support from Iron County to the USF. The 2024 season included the following shows: In the Engelstad Shakespeare Theatre: Taming of the Shew, The Winter's Tale, and Henry the VIII (had not been shown since the mid 90's). In the Randall L. Jones Theatre: Much Ado About Nothing, and The 39 Steps. In the Eileen and Allen Anes Studio Theatre: Silent Sky, and The Mountaintop (the story of Martin Luther King JR's last day).

Donn Jersey, Director of Development and Communications USF, expressed his appreciation for the support of Iron County since its inception. Iron County was there for them during COVID, the TRT and Tourism, Recreation, Culture & Convention (TRCC) funds were like plasma to the USF. The USF was profoundly grateful. Don noted that USF tickets for local residents were 50% off. A person just needed to call on the day of the play and their ticket was 50% off or by-one-get-one (BOGO). Local attendance was up last year for the first time in five years. He expressed his appreciation to the commissioners for getting the word out to Iron County residents.

Michael Bleak expressed his appreciation for the Utah Shakespeare Festival (USF) organization. Many do not know all the work that happened behind the scenes. The TRT and Economic Development entwine with the USF. He noted that Donn was a nerd, which was very high praise. Donn does things statistically and mathematically. Commissioner Bleak noted that the Statistics and Analysis that Donn developed for the USG was being used by the Homebuilders Association, the Airport Board, and Economic Development. There was a great relationship with USF and it was a real pleasure to work with them.

Michael Bahr reported that he had just returned from Atlanta, Georgia where he attended the Shakespeare Theatre Association. There were 124 Shakespeare Companies in attendance. Fred Adams began the USF 35 years ago. This small county was now meeting with the premier group of Shakespeare Companies due to the foresight of Fred Adams, and Iron County was the largest company. Michael noted that, "Not all roads lead Rome. They lead to Iron County."

DISCUSSION AND POSSIBLE APPROVAL OF A PROPOSED IRON COUNTY CODE AMENDMENTS – ORDINANCE 2024-1, WATER PRIORITY REQUIREMENT, SUBDIVISION PROCEDURES AND LAND USE, APPLICATION NOTICING REQUIREMENT UPDATES “TITLES 15, 16, & 17, IRON COUNTY CODE” IN COMPLIANCE WITH STATE CODE CHANGES-CONTINUED FROM THE PUBLIC HEARING AND COMMISSION MEETING HELD AT THE JANUARY 8, 2024

Reed Erickson, Iron County Planner, explained that the ordinance covered 4 different topic items. Titles 15, 16, & 17 all deal with components of this ordinance. Two items in Title 15 were slightly different. Title 15 covered water issues that had been in discussion for the last few meetings. There were changes for individuals who sought a building permit. Modifications were made in 2022 to the water right date requirements. The second item in Title 15 was the addition of a Land Use Disturbance permit requirement. Reed reported that this addition was an opportunity to let everyone know what permits were needed before they began digging. Reed explained that Iron County did not have a prairie dog clearance requirement, but it was necessary before disturbing land. The fee for the permit was proposed to be \$35, which could be applied to any other permit that was needed. Title 16 was for subdivisions, which was being amended to comply with state code. The legislature now required counties to appoint an Administrative Land Use Authority, who would have the authority to approve single-family, two-family and townhome subdivisions. Title 16 also dealt with notification requirements. The legislature streamlined the process for notification requirements for public hearings and public meetings with land use approvals. Reed noted that besides the Class A and Class B notifications, Iron County had amended Class C, D, & E, which would now apply to all of the land use approvals. Title 17 was a provision for zoning code notifications that incorporate notification as well. Paul Cozzens expressed that he was concerned with the land disturbance permit. He noted that if he were going to dig a hole on his property to put up a fence he would not buy a land disturbance permit. This was a little overbearing and recommended that it be removed from the ordinance. Reed replied that as long as Paul made a call for a UPD clearance. Paul noted that he would not do that either because he could tell if there was a prairie dog on his property. Reed replied that there could be ramifications if there were no UPD clearance permit. Discussion continued on the prairie dog issue. Commissioner Bleak asked what was happening with water rights regarding the 50 years from the date of the issuance of a building permit. Reed read the condensed version of the changes, “Evidence of Adequate Water rights. Evidence shall be provided identifying adequate water rights to serve the proposed building or structure. Such evidence shall identify as a minimum, the water rights, as required by the county for the approval of the lot proposed for issuance of the building permit, or if no water rights were required for the approval of the lot, a minimum of one EDU-Equivalent Resident Unit- as determined and provided for by the Utah Division of Water Rights Office. A recorded document must accompany the evidence of water right(s) that states 1) the date of the water right(s) 1) the date of the water rights(s), 2) reference to the applicable groundwater management plan, and 3) that the property owner(s) acknowledge(s) the State Engineer intent to regulate said water right based on property dates, regardless of use.” Reed noted that this revision removed the 50-year requirement date. Marilyn Wood noted that there was a conflict with the basins and wondered if this would rectify that. Reed replied that the 50 years was not a conflict with the basins. He explained that the reason for using the 50 years was because, regardless of what basin it was in, the water right was not in jeopardy of being curtailed. Section 15 dealt with specific permits on existing lots or wells on existing lots. The language in Title 16 that dealt with subdivisions stayed the same on any existing lots. Reed Erickson further explained the 50-year water right. Paul Cozzens explained how the 2022 ordinance came about and why the amendment was created. He noted that one concern he had was for the second buyer of a property. It would be good to have a notice on the title to inform them about state water rights. This was becoming a large problem in Iron County. The more educated people were the better. Discussion continued on property value, recharge projects, notice being placed on deeds, and ground disturbance. Commissioner Wood reported that she read an article that said Maricopa County, Arizona had stopped the water on a new subdivision. The subdivision was getting its water from Scottsdale, and after the drought,

Scottsdale pulled the water rights. The Governor became involved so others were now paying for their water source. We do not want to be in that position. The Iron County Commissioners did not devalue people's property, the Groundwater Management Plan did. Paul Cozzens reported that Kent Jones, previous Water Engineer, stated that he had to be the bad guy because, by law, he had to go out and check the basins to make sure they were stable with water so Iron County would not run out of water. Mother Nature had put in 21K acre-feet of water in the Cedar Valley, but 28K acre-feet were being taken out. There were 50K acre-feet allocated. Paul noted that when he was on the Groundwater Management plan board, they pushed the curtailments back. This was the reason that Iron County had been working so hard on the recharge projects. Iron County recharged 1.8B gallons of water in 2023. Paul Cozzens noted that Kent Jones had stated that if Iron County could stabilize the aquifers they could readjust. The main crux of this argument was the state could cut off the water. The new water rights were impairing the older water rights. It was a property rights issue on both sides. Paul reported that his main concern was to have a notice filed with a deed at the time of a building permit that protected Iron County from future liability. Paul stated that he did want Title 15.02 Process ground disturbance, stricken from the ordinance, and was strongly opposed to it. Reed noted that it was under a different section that had already been adopted for prairie dog clearance. Under the 4-D rule under prairie dogs the only exemption for agriculture was they do not dig any deeper than 18". Jon Whittaker referred this agenda item to Sam Woodall, Iron County Attorney, because Jon had the understanding that this item was limited in scope based on the actions taken by the Iron County Planning Commission (ICPC). Sam replied yes and no. Reed explained that if the commissioners did not want to adopt Section 15.02 it could be removed. Chapter 15.02 was added as Exhibit A and could be stricken from the ordinance. Reed noted that it was recommended from the ICPC to be adopted as it was presented. Jon Whittaker asked if the notice given for this item was sufficient to do what Commissioner Cozzens was requesting. Reed replied yes and Titles 15, 16, and 17 were properly advertised prior to the meeting. Commissioner Bleak asked what the ramifications were of the UPD clearance from the state. Reed replied that anyone doing work on their land had to have a prairie dog clearance, as was the case before. There would need to be an attempt to educate everyone involved regarding the UPD clearance. Discussion continued regarding the UPD.

Paul Cozzens made a motion to remove Section 1, Chapter 15 Title 15.02. Commissioner Bleak noted that before a motion was made, he would like to open the meeting to public comments.

Richard Wilson, Iron County Chief Engineer, reported that section 15.02 also included a floodway. Meaning if a ground disturbance was going to affect a floodway. Richard explained that a floodway affected those around the area when a ground disturbance displaced water to another location. Marilyn asked if there was another clear avenue that had been used to prevent a floodway. Richard replied that there was not a clear avenue previously and people were allowed to go out and modify a floodway. The provisions included in the ordinance were to update the state and federal regulations.

Janelle Adams, a citizen of Iron County, was concerned that once the water plan was recorded, was there something available for a property owner to remove the notice from the record? From an underwriter's standpoint, would it always show up on a title search? Paul Cozzens replied that his understanding was if the notice showed that the property owner had a newer water right and then filed that they bought an older water right, all was good to go. Janelle noted that it should be a formal process in the amendment of what residents could do to make sure that it gets done. When a person was met with an underwriter challenge, there needed to be a way for them to overcome that challenge. Residents need to have an idea of how to move forward with the groundwater management plan.

Tammy Vogt, Equity Real Estate, noted that she was relieved about the new language in the ordinance. However, she still had some concerns with unintended consequences. What would this mean long-term and how was it going to be received? Tammy noted that the ordinance does not state that these were junior water rights, which might put Iron County in jeopardy down the road. It looked like this applied to any home that had water rights regardless of what the date

was. She wanted to verify that this notice would be applied to every home that gets built. Once the notice was on the title, how it would affect the value, lendability, and any title search in the future? Tammy reported that she appreciated that the new language was friendlier, but what does it mean? Paul Cozzens noted that the language in the ordinance points back to the State Water Rights. The ordinance clearly stated that the 1934 water right was safe. Tammy reported that water rights were free-floating real estate and they attach to a well and those could move about. There was a bit of a gray area in the future of people moving their water rights to older water rights. Commissioner Cozzens noted that we cannot control all variables moving forward. This was becoming a real issue in our basin and we could at least notify the buyer to be aware. Tammy noted that the notice does not deal with homes already built that have junior water rights or have any water rights that were under a water rights management plan. The goal was to notify homeowners that they were under a groundwater management plan. Once again, does this produce consequences for people down the road trying to sell property or land-owned property that we do not know about or understand? Does this address that there were many homes built with water rights that may, or may not be in jeopardy? Would a mandated disclosure for all real estate transactions do what the ordinance requires? Paul Cozzens noted that it was above his pay grade to tell realtors how to do their business. This document, moving forward, protected Iron County. If Iron County issued a building permit and the water rights were going to be curtailed and there was no notice, future owners might sue Iron County. Tammy noted that Iron County could require certain things happen with real estate transactions because the Iron County Records' Office records the transaction when there was a transfer of ownership. If there were a mandated disclosure for every transaction, whether you go through a realtor or not, it would be recorded on the deed. Iron County could have a document form for disclosure that was required to be signed. Paul Cozzens noted that the document would need to show up on a title search. Tammy noted that everyone does not read a title search.

Serena Close, Equity Real Estate, noted that she kept hearing that we could not do anything and that it was the state's problem. Yet, there were people who were being denied a building permit from the Iron County Commission. Paul Cozzens reported that it was being fixed in the ordinance, and no one would be denied a building permit.

Cal Robinson, Security Escrow Title, noted that a buyer does sign a policy that they acknowledge that they know the exceptions would be in their title policy. It is buyer beware.

Richard Wilson, Iron County Chief Engineer, reported that on Friday he was looking at water rights south of Cedar City. There were 17 homes that in 11 years the water rights would be curtailed.

Paul Cozzens stated that Section 15.02 was overbearing and most people do not know they have to have a permit to dig a hole in their backyard. Iron County was not going to enforce 15.02 because there was no money or manpower to enforce it. Richard Wilson noted that he understood what Paul was saying. Richard reported that sometimes just trying to keep compliant was a nightmare. That was why he was concerned with the floodway being taken out of the ordinance. This ordinance was being looked at by public safety and the accreditation with the Federal Emergency Management Agency (FEMA). It was not that they were trying to make things more difficult, it was a matter of maintaining compliance with FEMA. If Iron County loses FEMA accreditation, then citizens in unincorporated areas could not purchase insurance. Paul noted that Iron County has had some major catastrophes in the past and FEMA had never helped us out. He explained that FEMA had written the rules based on coastal areas, which were not reflective of the west. Marilyn Wood asked if something could be changed to keep the floodway. Richard replied that there could be. Marilyn noted that she would be willing to review the floodway.

Jay Grimshaw, resident of Iron County, noted that when the state came up with the groundwater management plan it contained many unintended consequences. He understood how the commissioners felt that it was not their responsibility to police what the state had put in place when it would be governed and controlled by the state. Every time a water issue came up it impacted him personally and those around him. With regard to the realtors, he felt it was incumbent upon the realtors to disclose to a potential buyer everything that was involved with a

property. Water could be bought and sold separately from the property. He could sell a senior water right and buy a junior water right and no one would know because it wasn't recorded. Some of these issues fall back on the person who was involved in the transaction to disclose everything to the buyer, and it was not the commissioners' responsibility. Jay noted that his concern was to get this resolved.

Carri Jeffries, Iron County Recorder, explained that the commission could not require a disclosure on all transactions. She was an elected official and her office was governed by state code, so any changes would have to go through legislation. If this would be required to be recorded to obtain a permit, what stops that person from coming in next and releasing it, whether they had a good water right or not. Then it would no longer show up on the title report. There might be many that come in and release it just to get a building permit. The notice and release would be there stating that it was not good anymore. She reported that once something was recorded it was always there, but they could come in and record a release that said their water was fine. Jon Whittaker noted that the state regulates water not a county.

David Burton, Parowan City Council, noted that Parowan City had to address this issue a couple of years ago. Public officials had a responsibility to the citizens to make sure their interests were protected. David reported that the Parowan Groundwater Plan was proposed and he did not know where it would end up, and that was the reason to push the recharge project. Parowan's proposed plan had approximately 1200 acre feet of underground water, which 1000 acre feet was junior water rights. The City Council had a responsibility to its existing citizens. Parowan City passed an ordinance stating that any new lot created, or new annexation, would require them to bring water. A date was set at December 31, 1949 to protect the citizens that reside in Parowan at this time. Parowan did not have a choice but to adopt a groundwater management plan. He hoped to be able to work with the state with the underground water recharge plans. David noted that the city council also had been criticized for setting the date and manipulating the water market. But it comes to a point that we need to realize that these were state-mandated. The State of Utah owned the water. We do have appropriate water rights. He noted that Iron County had to do something and hoped people understood that water was a limited resource. Marilyn Wood expressed her appreciation for David Burton for attending the commission meetings and appreciated David explaining their plan. Paul Cozzens noted that Iron County was not requiring a date, but only getting the public informed, and to beware.

Cal Robinson noted that the commissioners should figure out a form like a re-conveyance to the trustee for release of the proposed notice. If it is released, it should be released with either an older water right or attached to the CICWCD. Sam Woodall reported that more discussion would have to be taken before that could be considered. Cal asked if something could be added to the bottom of the ordinance about what could be done if the water rights were released. Sam replied that it could.

Mrs. English noted that the language being used was overwhelming. She asked what the concern was with groundwater and if this was the purpose of this ordinance? Marilyn Wood replied that it was. Mrs. English asked how we replenish groundwater. Paul Cozzens explained the recharge projects in Iron County and how they worked. Mrs. English asked how developers that were building all these new areas obtained building permits. Marilyn Wood replied that they have the 1934 water that comes with the property. Commissioner Cozzens reported that the State of Utah had set the date of 1934 as safe. Mrs. English said, so people with money were coming in and buying all the old water rights. Marilyn Wood reported that the water could have been on the property they bought. Mrs. English noted that 200 acres was in the middle of farm land and if someone wanted to develop that land, as long as they had the 1934 water right they could build on the land. Paul Cozzens replied that that was correct because it was a property right and the water right was 1934 or older. Mrs. English asked wouldn't the Planning Commission have more control, authority, and vision to conserve water than blatantly allowing anyone to build where ever they want. She noted that she had lived in Cedar City for 57 years and lived on property that had been in her family for 53 years, and her future was being curtailed. Paul Cozzens explained that if a farmer had been farming his land for most of his life and had an old water right, and he decided he was too old to farm and no one in the family wanted to take over, the farmer had

every right to develop his land. Commissioner Wood explained that she attended the Planning Commission meetings on the first Thursday of every month. Mrs. English asked if there was any type of population or growth limit. Anyone can move here and buy whatever they want and build whatever they want. Marilyn Wood replied that they could if they had property rights and water rights. It was personal property rights that our nation was founded on. Mrs. English stated that this nation was founded on biblical principles. People fled England and came to America for religious freedom. She noted that water was not property.

Carolyn Ray, a citizen of Iron County, reported that she was a realtor and was a member of the Parowan City Water Board. Carolyn noted that her questions were directed to Reed Erickson. If this document was inapplicable because of the subject property, was there a non-applicable and was it still recorded or would it not be used. For instance, if it was in a basin that did not have a management plan adopted, this would not be required. Reed replied that it would not. If a person builds with their water rights then later become part of the CICWCD, it could then be released. Paul Cozzens replied that to get hooked on to the CICWCD you need to give the water rights to them. Carolyn asked if, moving forward, would every building permit have this, or only when it was applicable. Marilyn Wood replied that was correct. Carolyn reported that she represents clients that were in the Sevier River aquifer basin that was located in Iron County, so those people would be inapplicable at this point.

David Burton noted that he wanted to clarify that there were different water basins. Cedar City had their basin with a different priority date, along with Parowan, Milford, and Beryl all having different priority dates. David explained that Parowan used the December 31, 1949 because of the water potential mandate by the state.

Marilyn Woods asked Reed Erickson if the commission could pass this Ordinance, then add the notification later. Reed replied that they could because the notification language was not part of the ordinance. It was just a tool used to implement the requirements of the ordinance.

Jon Whittaker, Iron County Clerk, noted that he was not speaking on behalf of the county. Jon stated that spoke with many different people, but we were missing the point. He felt strongly that the regulating agency should be body that gave notice, which was not the Iron County Commission. Jon reported that the wells in the Cedar Valley go down 2 to 3 feet per year. The good Lord only gave so much water to Iron County. We cannot, nor should, not be a regulator for the state. It was a challenge because we were trying to use our regulatory tools to regulate something that was better regulated by the body that would eventually have to curtail those when we run out of water because we were not slowing it down much. Last year was a phenomenal year with over a billion gallons of water put into recharge basins. The last time there was any substantial improvement to the charts was in 1984-1986. He noted that where there was a new diversion, there was a notice from the state that you were in a critical groundwater plan area and the water rights might be called. This notice was not on the notice of transfer that every new water right recipient had. Jon reported that there were two paragraphs on the new diversion document you received from the state water engineer that speak to the groundwater management plan, critical management area, that your rights might be curtailed, and the date of your water. This should be included on the notice of transcript that might not be a new diversion. There was a potential of more problems. The recorder had warned us about challenges. A recording was forever and we need to figure out the release. This should be handled by the State Water Engineer. Iron County should only ask, "Do you have sufficient water?"

Paul Cozzens noted that he did not feel this document was regulating anything, but only a warning to check on your water rights. His goal was to 1) Protect Iron County from law suits, and 2) protect our children down the road.

Terry Palmer, Iron County Planning/Building & Zoning Administrator, reported that Iron County was not regulating water, but only giving notice of water. The state had adopted the building codes and tells us we have to have water in our homes. Notice had to be given that there was water in a house for a house to be lived in, under state law, not county. There has to be a notice of a groundwater plan. The State of Utah had created that plan, and Iron County had been given notice of the state plan. Terry expressed his appreciation to the commission for handling all they had been beat up over. His wife mentioned that last night on Facebook it was stated that

the Building & Zoning Department had done this. This was untrue. They were only giving notice that they need water in their house. There was a Groundwater Management Plan in place. Follow it. Not every lot would have this recorded. He explained that subdivisions that had 1934 water rights or those connected to the CICWCD would not require a notice to be recorded, only homes outside of the subdivisions. The building department would only issue a building permit that had good water to the home.

Marilyn Wood expressed that this had been great to get the word out to our citizens. Transparency was always better. She was still concerned about subsequent owners of lots that do not know about this. The State should make them aware.

Nathan Moses, State Water Rights, reported that the state had no desire to shut off anyone's water. It would be a tremendously hard thing to do. This was a State law and they were only administering it. Nathan clarified that notices were not sent out of the local office. The State Office did send water notices to all the water right holders in the basin and the notice was published in the paper. When, and if, a curtailment happened, a notice would be sent out. It was a little early to be sending notices out at this point. Nathan reported that what they were seeing in the wells was alarming and any effort that could be done to help was great. The recharge projects were front-loaded to keep from having to curtail the rights. He noted that there was no plan to send notices at this time. Marilyn Wood noted that property owners should look to see their water right date. Nathan replied that any time someone came into their office that was information that they would leave with.

Paul Cozzens reported that another section he was concerned about was having public hearings. The state had said if the wording was "you shall" approve this request, then a public hearing was not required. He noted that he knew several entities that were following state law to a "t" because they felt that holding a public hearing just gave false hope. Paul read a statement from the State Ombudsman, "State law does not require a public hearing when considering a Conditional Use Permit (CUP) decision. Nevertheless, local jurisdictions can choose to require them. Consider, however doing so presents some problems. The public often misunderstands the law and expects the Land Use Authority (LAU) to deny the application based on public clamor. In a public hearing the LAU may consider factual information presented by the public, supported by evidence or expert opinion, but may not base a decision on the popularity of a use, or the applicant attacks information not supported by evidence or expert opinion or on emotional appeals." Paul noted that he does see the benefit of holding a public hearing to look at a CUP, but this statement talks about how dangerous it could be. Reed Erickson reported that in Iron County Code 17.28.050 – Findings and Conditions for a CUP, it reads, "The planning commission shall grant a conditional use permit in compliance if, ...from the application and the facts presented at the public hearing, it finds the proposed use would be unduly detrimental or injurious to property or improvements in the vicinity. The proposed use was located and not conducted in compliance with the general, or it was too impactful." This was important because Section B says, "in approving a conditional use permit, the planning commission may impose such reasonable conditions or restrictions as it deems necessary to secure the purposes of the general plan and land management code, (followed by the 10 types of conditions that could be put in to mitigate an impact that could be detrimental)." Reed explained that without the review process and input, there was no way to determine that unless you simplify the CUP conditions. Paul Cozzens noted that the planning commission had been good about approving CUPs when they met all the requirements. Reed noted that there had been CUPs denied because they would be detrimental. He reported that Iron County's zoning structure was set up to allow many usages in a zone, more than what most ordinances did, and there were more zones.

Paul Cozzens made a motion to approve the Iron County Code Amendments-Ordinance 2024-1, Water Priority requirement, Subdivision Procedures and Land Use, Application Noticing requirement updates "Title 16, & 17 Iron County Code" in compliance with State Code changes, and to strike Title 15.02 from the ordinance, as presented by Reed Erickson. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

Paul expressed his appreciation to everyone involved in this process.

IRON COUNTY ORDINANCE 2024-1

AN ORDINANCE OF THE BOARD OF IRON COUNTY COMMISSIONERS, PROVIDING FOR AMENDMENTS TO TITLES 15, 16 & 17 – BUILDING & CONSTRUCTION, SUBDIVISIONS AND ZONING, RELATED PRIMARILY WATER RIGHTS, DEVELOPMENT NOTIFICATION REQUIREMENTS AND SUBDIVISION APPLICATION PROCESSING; AND PROVIDING FOR AN EFFECTIVE DATE.

Whereas, the 2023 Utah Legislature adopted SB174 and SB43 that required modifications to the Iron County Land Use Ordinances regarding subdivision application processing and approvals and legal public notification requirements for land use application and decisions; and

Whereas, the Board of Iron County Commissioners has determined that in order to best protect property, to ensure groundwater withdrawals do not exceed safe yield, to safeguard the physical integrity of the aquifer, and to protect water quality and respond to ground water management plans with the Utah Division of Water Rights State Engineer, there should be established an appropriate priority date for water rights used in residential and commercial subdivisions/developments and building permits in the unincorporated lands of Iron County; and

Whereas, the Board of Iron County Commissioners has determined that in order to best protect property rights, to provide for prudent review and approval of subdivision applications, and clarify the regulations associated with subdivision applications seeking approval by the administrative land use authority of the County, there should be established appropriate updates in the land management code of Iron County; and

Whereas, the Iron County Commission finds it promotes the general welfare of the citizens of Iron County by adopting the proposed amendments to further the orderly and efficient development of property in Iron County; and

Whereas, the County Commission finds that it is in the best interest of the County after taking into consideration the citizen's health, safety and welfare, to amend the following ordinances; and

Whereas, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendment to the land management code of Iron County, Utah and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

Whereas, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use, Development, and Management Act; the Iron County General Plan; and, the Iron County Subdivision and Zoning Ordinances.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. Within Title 15 – Building and Construction, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT A, hereto attached.

SECTION 2. Within Title 16 – Subdivisions, Zoning, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT B, hereto attached.

SECTION 3. Within Title 17 – Zoning, Zoning, Sections of the Iron County Code, shall be, and hereby are, added, amended, and revised, to read as identified in EXHIBIT C, hereto attached.

SECTION 4. General Provision.

Sections of the Iron County Code identified in this ordinance, shall be, and are hereby added with the express intent to clarify the process and procedure for review and approval of various land management codes. To comply and align with recent changes in the Utah Land Use Development and Management Act and for the greater public good, there should be established appropriate updates in the land management code of Iron County, as recommended by the Iron County Planning Commission and determined by the Iron County Commission, and in accordance with Utah State law and Iron County ordinances.

SECTION 5. Severability.

Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom, and shall survive such declaration, remaining in full force and effect.

SECTION 6. Effective Date.

This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

BOARD OF COUNTY COMMISSIONERS IRON
COUNTY, UTAH



Michael Bleak, Chair

PAUL COZZENS PRO TEM

ATTEST



Jonathan T. Whittaker, County Clerk



VOTING:

Michael Bleak: Aye

Paul Cozzens: Aye

Marilyn Wood: Aye

EXHIBIT A

SECTION 1. Within **Section 15.06.030 - Water, sewage, road, and geologic conditions requirements**, of the Iron County Code, Chapters and Sections shall be, and hereby are, added, amended and revised to read as follows:

15.06.030 - Water, sewage, road, and geologic conditions requirements.

All applications for a building permit, excepting agricultural buildings to the extent exempted by the provisions of Section 58-56-4, Utah Code Annotated, 1953, as amended, shall comply with the following:

- A. Water Requirements. The Southwest Utah Public Health Department and the Utah Department of Environmental Quality shall be considered the county's experts in evaluating the proposed method of providing culinary water. It shall be the responsibility of the applicant for a building permit to provide information and materials as required by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, necessary to evaluate the proposed culinary water system.
- B. All building permit applications shall identify the proposed source of culinary water. The Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, shall review and approve the proposed source of culinary water and determine compliance with the requirements for: (1) connection to a public water system; (2) connection to an existing nonpublic water system; or (3) provision of culinary water from a well or spring. The Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable, shall provide its acceptance and approval of the proposed culinary water source to the county building official prior to the approval of a building permit application. Every effort should be made to secure water system extensions of an existing water system, approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable.
- C. In addition to the requirements of the Southwest Utah Public Health Department and the Utah Department of Environmental Quality, the following information shall be provided to the county building official, necessary to evaluate the adequacy of the water system intended to serve the proposed building or structure.
 - 1. Evidence of Adequate Water Rights. Evidence shall be provided identifying adequate water rights to serve the proposed building or structure. Such evidence shall identify, as a minimum, the water rights, as required by the county for the approval of the lot proposed for issuance of the building permit, or if no water rights were required for the approval of the lot, a minimum of one EDU (Equivalent Residential Unit) as determined and provided for by the Utah Division of Water Rights Office. A recorded document must accompany the evidence of water right(s) that states 1) the date of the water right(s), 2) reference to the applicable groundwater management plan and 3) that the property owner(s) acknowledge(s) the State Engineer's intent to regulate said water rights based on priority dates, regardless of use.
 - 2.

Remainder of Section to remain in effect.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 2021-1. PROPOSING THE CREATION OF NEW HARMONY RANCH SPECIAL SERVICE DISTRICT (SSD), APPROXIMATELY 482.86 ACRES LOCATED WITHIN SECTION 17 & 18, T38S, R12W, SLB&M, IRON COUNTY, UTAH (APNs: E-409-4, E-409-10, AND E-0409-11)
Applicant: New Harmony Ranch, LLC

Reed Erickson, Iron County Planner, explained that this item was a proposed creation of the New Harmony Ranch Special Service District (SSD), which was a requirement of the Land Use regulation for the consideration of a Tier 3 development. There was an application before the Iron County Planning Commission (ICPC) for the February agenda. This was a planned development on 482.86 acres. Located along Hwy 144 on the Washington County line and New Harmony just south of Kanarraville. It was proposing the development of property and usage on the property. There was residential on the planned development, also commercial development, and a hotel. Reed noted that this was a unique opportunity in Iron County that normally does not exist here. Part of the creation of a Tier 3 area was a planned area or new urban development. Reed explained that in this case they were calling it a "Village." Under code if it was under 1,000 units and more than 320 acres it would be called a Village, in order to be approved with this type of density. There would be 547 dwelling units on 482 acres with approximately 40K square feet of commercial space and a hotel (80 rooms), 150 acres of open space for barns, stables, paths, ponds, recreational amenities, etc. This type of development was not allowed without central services. There was an agreement with CICWCD to provide water to the subdivision. Reed reported that this type of development required three things: 1) a development agreement, which was a contract between Iron County and the developers that would outline the structure of the development, 2) a tier change from tier 4 to 3, which would allow this type of master plan community, and 3) a zoning restructure of a Specially Planned Area (SPA) zone. He noted that the application thus far was well done, which the ICPC was reviewing, and would have discussions at the ICPC meeting in February. These three requirements would be presented to the Iron County commissioners for approval of the master plan. The proposal also included mixed housing units (estate lots, medium to low-density lots & townhouses). The developers were required, by law, to prepare and create their own Special Service District (SSD). Reed reported that this agenda item intended to create the SSD in accordance with the Act. The Iron County Commission would give notice that there would be a public hearing on the proposed creation of the SSD on Monday, March 11 at 10:00 a.m. at the Iron County Commission Chambers, located at 68 S 100 E, Parowan, Utah. He noted that this SSD for the sewer was being proposed for this geographic area so they could own and operate a sewer system that was regulated by the State of Utah. They would need a certified operator, etc. Reed visited with the District Engineer, Paul Wright, regarding this project. This would be a several-month process to create the district. Iron County could approve the tier change, the zone change, and the development agreement without the creation of the district. He noted that the ICPC would not accept an application for the subdivision until they took care of the sewer. Paul Cozzens asked about the sewer plan. Reed replied that it would come with the Department of Environmental Quality's (DEQ) approval of the system under state regulations. Iron County does not regulate it. Today, the commission was only considering the resolution. Marilyn Wood asked if the developer was pushing for tax increments. Reed replied that the development agreement had language in it that they could create a Public Infrastructure District (PID) as part of their finance package, which was not discussed or proposed as of yet.

Mark Owens, project member, reported that there were 3 sewage systems they were looking at and he would not consider them portable. They were Orenco, EZ Treat, and Aquatech. All three were proven treatment facilities and would be a permanent structure.

Michael Bleak opened the meeting for comments.

Laurie Barnowski, resident of New Harmony in Washington County, noted that the SSD was very broad and you could do anything you want with it. From what she understood it was strictly for sewer. Reed replied that that was the proposal, but it would be determined later. Laurie had concerns with a sewer treatment facility up against the road. She was not happy that the treatment facility would be located on the road that she traveled on every day. Laurie noted

that at her previous residence, she had to hold her nose when she passed an adjacent sewer treatment plant because of the smell. There was one way in and out of area, which was Hwy 144. She was also concerned that when a SSD was created it could be limited to the sewer, but one could amend it and change it any time. It could change because it was an administrative decision, separate from the Iron County Commission. Ms. Barnowski had many concerns with the complex. She was just beginning to understand what was going on and the commission would be hearing from many more residents. An SSD could do anything but jail people. Commissioner Cozzens asked Laurie for some examples. Laurie replied that they could annex, could take tax, they could change the layout, or whatever they want. The plan says there would be single family homes on 0.6 of an acre minimum and one story. This could change down the road to add 2 or 4 story homes or change the acreage. She noted that an SSD was concerning unless it was done in the correct manner. Laurie closed by noting that the treatment complex had not been approved for a zone change, as it was presently agriculture zoned. February 1st was the meeting for zoning, and there would be more talking about their concerns.

Michael Bleak reported that this was just the first preliminary step and was not to establish an SSD. Laurie reported that she read that to create a SSD one requirement was that there must be a public health reason. Please specify the meaning of this when moving forward with the project.

Diana Stiller, aresident of New Harmony, reported that she had been working to collect evidence for about 10 months since she found out about this project by accident. She talked with someone who said they drive a long way to find peace in the New Harmony Valley. People have this assumption that a lot goes on behind the scenes in government because it does. Diana was concerned that this meeting was being held before any of the rest had been done and was telling her that this was a done deal. She did not know how to combat this. From her perspective, she was surprised to see this on the agenda before a zone change had been approved. Public hearings were the only place citizens could be heard. Paul Cozzens noted that he respected her concerns. There were property rights in America and if the owner followed the requirements they had the right to do what they wanted on it.

Craig Parmley, resident of New Harmony, noted that Commissioner Wood mentioned things being built incrementally. The proposed service district had a hotel, a market, treatment facility, etc., but what was going to be built first? Most developments had to wait until a certain amount of lots were sold before anything else was built. Was there a provision for this? His second concern was the access to the freeway. That portion of Hwy 144 was in Washington County. Jon Whittaker noted that the county line was split down the middle of the road. There were agreements in place for Washington County to maintain the road. Craig said that to build structures you need ingress and egress, and you would have to encroach on Washington County. Washington County would need to approve any traffic changes that were made. The New Harmony Valley Master Plan belonged to Washington County. It mentioned that before any considerable development happened in the valley UDOT had to review the effect on the exit 42 interchange. He asked if UDOT or Washington County had been contacted for this project. This Village would increase traffic significantly and what would be the impact?

Mark Owens reported that on SR-9 there was a Marriott Motel east of Virgin, Utah and there was an alternative treatment facility. There had not been any odor complaints. There was also a new truck stop being constructed on the west side of Beaver Dam, Arizona that had an alternative treatment system. Most systems that have an odor were sewer lagoons. Regarding the concern with the height of the structures. The topography slopes to the SE corner and there would not be any 4-story structures, only one story. Everything that they had proposed complied with the Iron County Code, and they were not asking for any exceptions under the Land Use Agreement. Regarding the concern that this was a done deal. He had never met or talked with any of the commissioners before today and it was not a done deal.

Craig Parmley reported that ever since the residents had found out about this project fliers were going around and it had blown up on Facebook, and many contained misinformation.

Mark Owens gave his word that this was not a done deal. He had only spoken with Reed Erickson to make sure that they were following the Iron County Code. Mark noted that Reed had

a very difficult job and only had the best interests of Iron County in mind. Mr. Owens reported that he wanted to create a community that fits in with the harmony of the area. He lived in Pine Valley and was sensitive to small communities and change. This project was so preliminary in the approval process and nothing could be done unless and until they got the approvals.

Craig Parmley was concerned that Mr. Owens's vision for the valley was not the same as those living there. Mark Owens reported that this Village would not have a desert color atmosphere. It might be higher density than residents would like to see, but he believed that Iron County, as well as Washington County, had a requirement from the State of Utah for affordable housing percentages. They were trying to accommodate different levels of people. There had been an outreach to the community to work together. He noted that Commissioner Cozzens example earlier of an 80-year-old man that could no longer farm his land and no one in his family wanted to take it over, so he made other plans. He said that this was the situation of this property. The property owner had been approached to turn the area into a solar farm, and asked Mark not to do that. Mr. Owens made a commitment to this gentleman and planned to abide by that commitment. In regards to the ingress and egress they were aware of it and proper access would be included in the plans.

Laurie Barnowski noted that the number of those who live off exit 42 was approximately 300. With the average of traffic that used the road every day it came to 30K – 40K events on the road every year. There was 500 homes on the plan and if you add 2 cars per home the traffic influx would be between 300K and 500K events. Another concern was if there was an incident and they had to evacuate there would only be one way out. The residents want to be heard on any large issues.

Marilyn Wood made a motion to approve Resolution 2024-1 proposing the creation of New Harmony Ranch Special Service District (SSD) as presented by Reed Erickson. Second by Paul Cozzens. Voting: Michael Bleak, Aye; Paul Cozzens, Aye, Marilyn Wood, Aye.

IRON COUNTY RESOLUTION 2024-1

A RESOLUTION PROPOSING THE CREATION OF NEW HARMONY RANCH SPECIAL SERVICE DISTRICT; AND OTHER RELATED MATTERS

Whereas, the Iron County Commission has determined that the public health, convenience, and necessity require the establishment of a special service district to be named New Harmony Ranch Special Service District (“District”) to provide sewer and transportation services within the boundary of the District, pursuant to the provisions of Article XI, Section 8 of the Utah Constitution and Utah Code Annotated § 17D-1-201, *et seq.* (1953, as amended) (the “Act”); and

Whereas, all of the property and the citizens within the proposed boundary of the District will be benefited by the establishment of the District to provide sewer and transportation services.

Now, Therefore, at a regular meeting of the legislative body of Iron County, Utah, duly called, noticed, and held on January 22, 2024, upon motion duly made and seconded, it is unanimously resolved that:

Section 1. The public health, convenience, and necessity require the establishment of a special service district to provide sewer and transportation services to the property and the citizens within the proposed boundary of the District. The District boundaries are particularly described in Exhibit A and are shown in the map that is attached as Exhibit B.

Section 2. The name of the special service district shall be New Harmony Ranch Special Service District.

Section 3. The services to be provided by the District are sewer and transportation services.

Section 4. Iron County intends to create the District in accordance with the Act. The Iron County Commission will hold a public hearing on the proposed creation of the District on Monday, **March 11, 2024, at 10:00 a.m.**, at the Iron County Commission Chambers, located at 68 South 100 East, Parowan, Utah.

Section 5. The County will prepare and publish the notice of the County’s adoption of this Resolution and of the aforementioned public hearing thereon, in accordance with the terms of the Act.

VOTED UPON AND PASSED BY THE IRON COUNTY COMMISSION AT A REGULAR MEETING OF THE IRON COUNTY COMMISSION HELD ON JANUARY 22, 2024.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH



Michael P. Bleak, Chair
PAUL COZZENS Pro tem

ATTEST:



Jonathan T. Whittaker, Iron County Clerk



Michael P. Bleak	Aye
Paul Cozzens	Aye
Marilyn Wood	Aye

Exhibit "A"
Legal Description of New Harmony Ranch Special Service District Parcels

Includes Tax I.D. No. E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-00, E-0409-0004-0000, E-0409-0010-0000, and E-0409-0011-0000

Parcel 1:

Beginning at the Northwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 89°51'16" East along the Section line 1390.30 feet; thence South 2°24'17" East 2657.85 feet; thence South 17.04 feet; thence North 89°45'57" West 1454.46 feet; thence South 0°02'15" West along the Section line 2625.10 feet; thence North 89°15'12" West along the Northerly line of the New Harmony Highway 2652.98 feet; thence North 0°01'01" East along the Quarter Section line 2640.25 feet; thence North 0°00'41" East along the Quarter Section line 1329.88 feet; thence North 0°00'52" East along the Quarter Section line 665.03 feet; thence South 88°57'54" East along the 1/64 Section line 2618.19 feet; thence North 1°01'19" West along the Section line 665.83 feet to the point of beginning.

Parcel 2:

Beginning at the Center Quarter Corner of Section 18, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence South 0°01'01" West along the Quarter Section line 2640.25 feet to the Northerly Right-of-Way line of the New Harmony Highway; thence North 89°15'12" West along said Right-of-Way line 277.96 feet; thence North 0°04'44" East 2641.81 feet to the Quarter Section line; thence South 88°55'17" East 275.13 feet to the point of beginning.

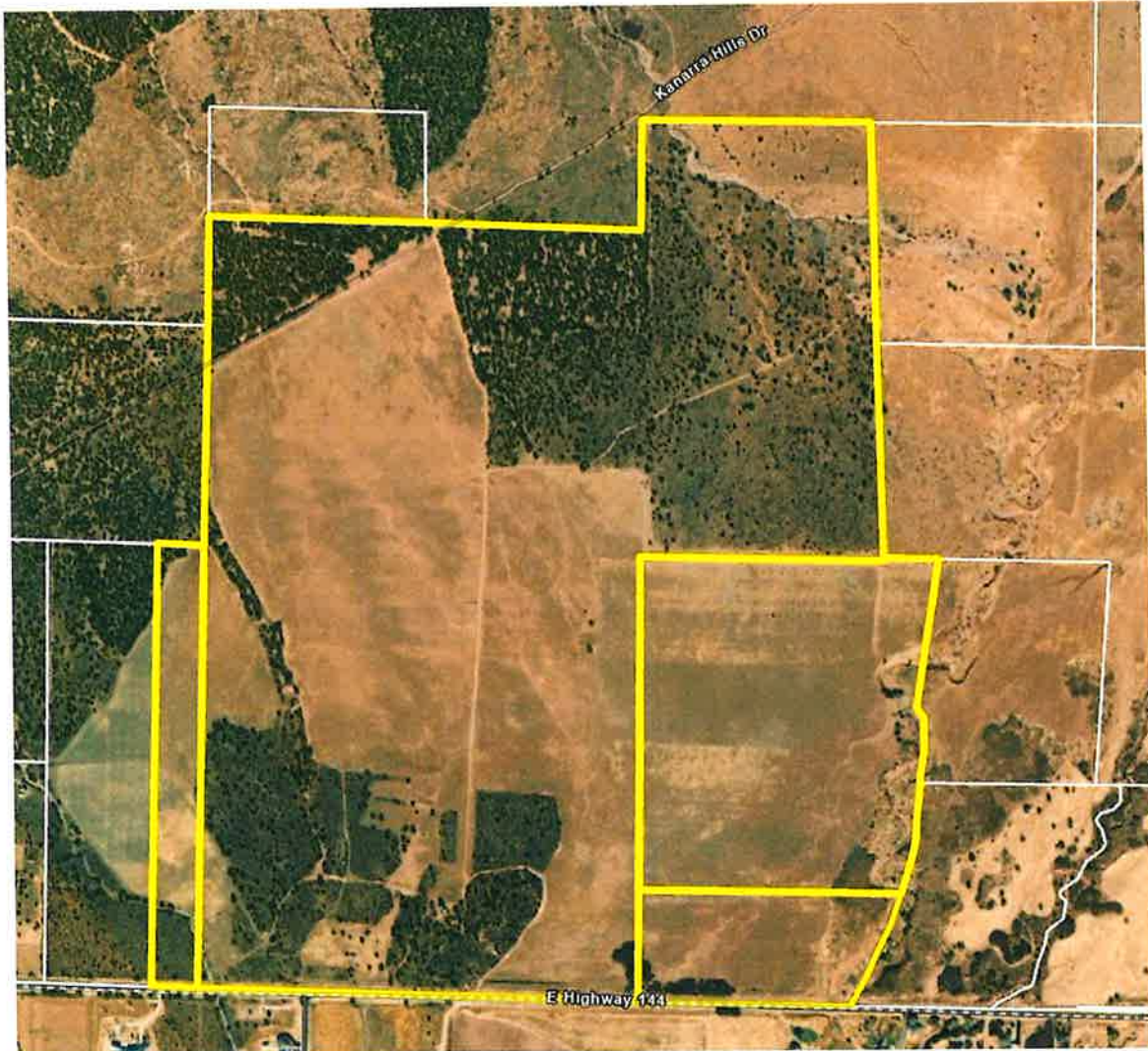
Parcel 3:

Beginning North 0°02'15" East along the Section line 671.11 feet from the Southwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 0°02'15" East along the Section line 2013.10 feet; thence South 89°45'57" East 1454.46 feet; thence North 17.04 feet; thence North 89°42'33" East 299.94 feet; thence South 7°39'20" West 907.51 feet; thence South 38°54'57" East 64.47 feet; thence South 2°10'39" East 209.59 feet; thence South 8°12'20" West 104.73 feet; thence South 4°33'38" West 99.17 feet; thence South 4°24'31" West 247.70 feet; thence South 4°35'22" West 34.98 feet; thence South 1°28'31" East 40.04 feet; thence South 8°50'36" West 118.41 feet; thence South 16°29'36" West 37.63 feet; thence South 17°27'31" West 192.98 feet; thence South 17°39'06" West 5.40 feet; thence West 1551.20 feet to the point of beginning.

Parcel 4:

Beginning at a point on the Northerly line of the New Harmony Highway which is situated North 0°02'15" East along the Section line 59.11 feet from the Southwest Corner of Section 17, Township 38 South, Range 12 West, Salt Lake Base and Meridian; thence North 0°02'15" East along the Section line 612.00 feet; thence East 1551.20 feet; thence along an existing fence line as follows: South 17°39'06" West 210.61 feet; thence South 18°32'28" West 34.09 feet; thence South 25°42'31" West 169.39 feet; thence South 20°06'48" West 30.74 feet; thence South 26°08'10" West 199.81 feet; thence South 25°45'27" West 38.01 feet; thence North 89°16'58" West along the Northerly Right-of-Way line of the New Harmony Highway 1288.41 feet to the point of beginning.

Exhibit “B”
Map of New Harmony Ranch SSD
Included Parcels



Parcels #E-0409-0001-0412, E-0409-0004-0000, E-0409-0010-0000, and E-0409-0011-0000, New Harmony, UT

CONVENE AS THE IRON COUNTY BOARD OF EQUALIZATION (BOE)

Michael Bleak, Iron County Commission Chair, declared the adjournment of the Iron County Commission and the convening of the Iron County Board of Equalization (BOE).

DISCUSSION AND POSSIBLE APPROVAL OF ABATEMENT ADJUSTMENTS FOR ELDERLY, LOW-INCOME, INDIGENT, BLIND AND VETERANS

Cherisha Lister, Iron County Deputy Auditor, explained that one veteran was missed on the last abatements report. His application had previously been approved. The total Veteran Abatement would increase by \$823.53.

Paul Cozzens made a motion to approve the Veteran abatement increase by \$823.53. Second by Marilyn Wood. Voting: Michael Bleak, Aye; Paul Cozzens, Aye; Marilyn Wood, Aye.

RECONVENE AS THE IRON COUNTY COMMISSION

Michael Bleak, Iron County Commission Chair, declared the reconvening of the Iron County Commission.

PERSONNEL

Jennifer Bradbury, Iron County Human Resource (HR) Director, presented the new hire of Greg Myers as a Full-Time Landfill Technician 1 for the Landfill Department, effective February 5th. This was a backfill of a vacant position; new hire of Nicole Hudson as a Full-Time Judicial Assistant for the Justice Court, effective February 5th. This was a backfill of a vacant position; new hire of Sharon Garrison as a Seasonal Iron County Fair Assistant, effective April 1st. This was a backfill of a vacant position.

Marilyn Wood made a motion to approve the personnel changes as presented by Jennifer Bradbury. Second by Paul Cozzens. 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.


Attest: Jonathan T. Whittaker, County Clerk


Signed: Michael P. Bleak, Chair
Paul Cozzens Pro tem

