



## 1. WELCOME AND PLEDGE OF ALLEGIANCE

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

## 2. PUBLIC COMMENTS – Non-Agenda Items

No comments made.

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

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

### Introduction:

Reed Erickson shared the following:

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

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

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

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

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

Reed noted:

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

Rich continued:

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

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

### Public Hearing:

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

The following comments were made:

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

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

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

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

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

**Planning Commission & Staff Discussion**

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

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

**Second:** Seconded by Erick Cox.

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

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

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

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

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

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

**Second:** Seconded by Laine Sutherland

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

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

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

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

Reed Erickson shared a few details regarding the development agreement:

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

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

**Motion:** Erick Cox made a motion to recommend to the county commission to approve the Development Agreement with New Harmony Ranch, LLC.

**Second:** Seconded by Mike Platt.

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

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

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

**Introduction:**

Reed Erickson explained the following:

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

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

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

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

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

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

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

**Second:** Seconded by Michelle Tullis.

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

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

**Introduction:**

Reed Erickson shared the following:

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

Reed invited Wayne LeBaron to explain more about the project:

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

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

Wayne answered:

- They had no complaints of odor.



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

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

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

**Public Hearing:**

Vice Chair Halterman opened a public hearing.

The following comments were made:

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

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

None

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

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

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

**Second:** Seconded by Laine Sutherland.

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

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

**Introduction:**

Read Erickson shared the following:

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

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

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

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

- No additional comments were made.

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

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

**Second:** Seconded by Mike Platt.

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

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

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

**Introduction:**

Reed shared the following:

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

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

No comments were made.

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

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

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

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

**Second:** Seconded by Laine Sutherland.

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

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

**Introduction:**

Reed Erickson shared the following:

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

**Public Hearing:**

Vice Chair Halterman opened the public hearing.

The following comments were made:

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

**Close Public Hearing:**

Vice Chair Halterman closed the public hearing.

**Planning Commission & Staff Discussion:**

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

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

**Motion:** Erick Cox made a motion to recommend to the county commission to approve the zone change from R-5 to R-½.

**Second:** Seconded by Mike Platt.

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

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

**Introduction:**

Reed Erickson shared the following:

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

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

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

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

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

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

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

**Second:** Seconded by Erick Cox.

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

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

**Introduction:**

Reed Erickson shared the following:

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

**Planning Commission & Staff Discussion:**

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

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

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

**Second:** Seconded by Michelle Tullis.

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

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

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

**Second:** Seconded by Laine Sutherland.

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

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

**15. ADJOURN**

Vice Chair Halterman adjourned the meeting at 8:32 pm

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



Signed

4/5/2024

Date