

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
June 6, 2024
MINUTES

The Iron County Planning Commission held their regularly scheduled meeting Thursday, June 6, 2024 at 5:30 pm, Cedar City Festival Hall, Room #1 – located at 105 North 100 East, Cedar City, Utah

Members Present

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

Staff Present

Reed Erickson	Iron County Planner
Terry Palmer	Iron County Building Official
Chelsea Boxwell	Iron County Building Dept.
Sam Woodall	Iron County Deputy Attorney
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Dept.

Others Present

Glenn Robinson
Marilyn Wood
Wendy W Young
Dianna Wheeler
David Farley
Kim Imlay
Monty Sorensen
Logan Cruz
Jeff Faucett
Russell Reber
Steven Taylor
Deven Imlay
Symbria Patterson
Sean Colmureau
Dallas Buckner
Paul Cozzens

Representing

Leon Robinson Farm, Inc.
Iron County Commission
BPW, LLC
BP Wood, LLC
Lions Crest, LLC
Self & Dry Lakes Farm
LX Livestock
Self
Self
Self
rPlus Energies
Ione Venture Farms
Red Acre Center
Self
Go Civil Engineering
Iron County Commission

*Others were present and spoke that did not sign the register.

1. WELCOME AND PLEDGE OF ALLEGIANCE

Chair Michelle Tullis opened the meeting at 5:32 pm.
Roger Thomas led the Pledge of Allegiance.

2. PUBLIC COMMENTS – Non-Agenda Items

Chair Tullis opened the public comments.
No comments made.
Chair Tullis closed the public comments.

Meeting Overview:

Reed Erickson, Iron County Planner, explained:

- * Items 3, 4 & 5 on the agenda are Conditional Use Permits (CUP).
- * He will do a brief presentation of what the project is and the county's response to that.
- * CUP's are uses that are allowed by ordinance with a CUP in place. These are not permitted uses.
- * The county has 3 types of uses that allow something in a zoning district:
 1. A permitted use that you can do without any special consideration or special review.

2. Administrative Land Uses which require minimal review. Adjacent property owners are notified and they have 10 days to respond. The county works with the applicant to find solutions to those concerns.
 3. Conditional Use, which is also an allowed use in the zone, requires notification and a public hearing.
- * The approval process for the 3 types are as follows:
 1. There is no additional process for Permitted Uses.
 2. The planning commission makes decisions on Conditional Uses.
 3. The staff makes decisions on Administrative Land Uses.
 - * In the Table of Uses, if there is an X in a column, it means that the use is prohibited.
 - * The applications were submitted a month or more ago.
 - * A draft for the CUP is created and reviewed by the staff and the applicant.
 - * The use is an allowed use, so the county reviews it to resolve any concerns.
 - * The ordinance allows the use so this process is not to decide if it should be allowed or not.
 - * The public hearing process is to hear the neighbors' concerns so the ICPC can help mitigate potential impacts.

3. CONDITIONAL USE PERMIT APPLICATION – “Solar Power Plant” – (2224 Acres) Appaloosa Solar II, rPlus Energies - Located near 9540 N Lund Hwy, Cedar City (APNs: E-0065-0003-0000, E-0067- 0001-0000, E-0066-0002-0000, E-0065-0004-0000, E-0065-0004-0000, D-0433-0004-0000, E-0064-0014-0000 & E-0064- 0013-0000, and BLM in Sections 26 & 35, T34S, R12W with no APN).

Introduction:

Reed Erickson shared the following regarding the Solar Power Plant:

- The property is located out on Lund Hwy near the current Appaloosa Solar I power plant.
- This is all private property except for on the lower portion where it borders BLM. This is where the lines will cross to get to the Three Peaks Substation, which has been previously permitted with BLM.
- The property is all zoned Agriculture 20 (A-20). Solar Power Plants are an allowed use with a CUP in this zone.
- The closest residential area is R-1 in Cedar Valley Acres and RA-20, which wraps around the substation, south of the project property.
- When Appaloosa Solar I was permitted, they didn't use all of the permitted area, so it is now being included in the Appaloosa II permit.
- The Battery Energy Storage System captures energy and stores it into batteries with 4-hour storage capacity.
- This is a 200 MW power plant so it would have an 800 MW hours storage capacity.
- The battery units are individual containers that are compartmentalized with their own fire suppression.
- The staff, fire department and planning commission have had many discussions regarding safety in previous meetings.
- The ICPC members were emailed the full details of the project last week.
- The project does meet all of the CUP conditions and the application addresses all the staffs concerns.
- The plant is to be a 200 MW with a BESS on 2,224 acres.
- There are two property owners: LX Sun, LLC and Horse Hollow, LLC
- Reed introduced Antonio Resta and Steven Taylor from rPlus Energies who are the developers. Also, Russ Reber and Monty Sorenson representing property owners.
- The potential impacts during construction versus the impacts after occupancy are different. For example, when Three-Peaks and Appaloosa I were developed, they were required to include road improvements. The agreement states they will continue the road through to the north side of the project, which is on target and must be complete by January 1, 2025. The county appreciates the partnership created for these road improvements.
- Noise has been a concern on other projects, but this one is further away from residential development.
- Drainage has been a concern and has been reviewed and addressed in the permit and design process.
- Recommended mitigations have been address regarding fencing, signage, setbacks, road improvements/repairs in the CUP conditions.

Steven Taylor thanked the chair, commission, and staff for reviewing the request.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Roger Thomas asked and Reed agreed that downward lighting could be added to the CUP.
- Chair Tullis read the CUP Review and Findings (Section 17.28.050), Item A.
- Reed clarified the critical lands are defined in Section 17.36.020 as wetlands and steep slopes. There are no critical lands within this project. They have obtained Prairie Dog clearance.
- Mark Halterman read Section 17.28.050, Item B.
- Reed noted that 34 total conditions were reviewed by the staff and the applicants.

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

Motion: Jared Christensen made a motion to approve this CUP, with the modification to add downward lighting language.

Second: Seconded by Roger Thomas.

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

4. CONDITIONAL USE PERMIT APPLICATION – “Resort Lodge; Recreation, Commercial” – (645.99 Acres) Lion Crest LLC - Located near the West end of 825 N (1475 W) and approximately 975 N, Brian Head (APNs: C-1126- 0001-0003 & C-1169-0001-0000)

Introduction:

Reed Erickson shared the following regarding the Resort Lodge—Recreation, Commercial CUP:

- Dave Farley is in attendance representing the applicant, Lions Crest, LLC.
- The property is located west of Brian Head town and other residential developments in the county.
- A resort lodge and recreation, commercial requires a CUP within that zone.
- The total acreage is approximately 645 acres.
- The south edge of the property borders Forest Service land.
- To the east is R-1/2 residential subdivisions that were allowed in the 1960's, 70's, 80's. Now, the county would not approve that small size of lots.
- To the east of the R-1/2 is a Brian Head, Tier II area where higher density is allowed noting that Tier IV does not go any smaller than 20 acres.
- Two access points have been requested. One off of 825 N and one through Robinson's property. Easements currently exist for both. These entrances will be addressed more closely, in a few minutes, under CUP condition #21.
- A summary of the proposed activities include summer access for motorbikes, ATV's and possibly horseback adventures. Winter activities would include snowmobiling, skiing, snowboarding, sledding, tubing and a terrain park.
- The CUP, conditional #4, will discuss temporary facilities required without having to have the entire infrastructure in place.
- They are going to build up the business to include a maximum of 300 users a day in the summer - Less in the winter because there is not access in the winter months. They have identified two off-site locations where they would pick people up and drive them in to resort in both summer and winter.
- The plan is to build a lodge to compliment the surrounding area.
- One concern raised by the Tophams is that Lions Crest is a rehab facility so they are concerned about that. They do not want recreation therapy to be included in this project. Reed explained to them that it is open to the public, not for a therapy facility. Rehab facilities could bring people, but this would not be a treatment center. It is to be accessible by the public.
- Other potential impact concerns include traffic, off-site gathering/parking, noise, livestock and wildlife disturbance, trash, vandalism, and fence damage
- The recommended mitigation for the concerns include:
 - * The primary accesses from Dry Lakes Road along 825 N or through Robinson property must be improved to WUI standard.
 - * Temporary facilities would allow them 12 months to have port-a-potties, to haul water, and have temporary power, but by July 1, 2025, they would have to submit a detailed plan that would identify how they will provide these facilities permanently. This includes building plan details up to 30 nightly rentals and the plans must be approved by the county.
 - * Proper fencing and signage is required along the perimeter along property lines.
 - * Off-site property/use agreements are required.
 - * Operating hours and adherence to county codes such as no activity between 10:00 pm and 7:00 am.
 - * Commercial garbage service would be required.
 - * The CUP contains 41 conditions.

Dave Farley stated that Reed's review was very good and they are in the process of trying to get all the details worked out, specifically transportation.

Public Hearing:

Chair Tullis opened the public hearing.

- Tim Robinson shared the following:
 - * They sold property to the applicant, which includes Jerry's Pond, First Flat, Second Flat, Eldon's Rock, Bernice's Meadow, and ground creek. The Robinsons have enjoyed the area and hope the visitors will too.
 - * His concerns include hearing ATV's, side-by-sides, etc. when trying to have a peaceful experience in the mountains.
 - * He recommends effective fencing around the lodge and parking to help lessen trespassing risks to neighbors.
 - * He recommends detailed plans be submitted and reviewed for the trail types, allowed vehicles, and timeline of use. Also, to have the trails be clearly identified for users.
 - * He prefers hiking over motor vehicles.

- * The road ROW is only 24 feet, which is a safety concern.
- * He has enjoyed working with applicants as they share their plans. He recommends the ICPC approve the CUP.
- Deven Imlay shared his concerns:
 - * The bigger 4x4's are loud and go too fast past the livestock on the main road.
 - * He recently spent the weekend building a fence picking up trash along it. He is worried that will get worse with more people.
 - * The area is not quiet now and will get louder with more visitors and traffic.
 - * The animals will be pushed out.
 - * Fire safety is a concern.
 - * Trucks accessing the area over Alpine Road is too steep and unsafe.
 - * Others, further away from the property, didn't get a notification letter for this CUP and they probably should have.
- Logan Cruz, applicant, stated that there are no trails anywhere except at Dry Lakes. They hope to add trails to reduce public road use.
- Mike Stratton shared the following concerns:
 - * When there are a lot of side-by-sides, the road turns to powder.
 - * Speed is a concern because the signs stating "slow" are not obeyed.
 - * He would like to know how they plan to transport people from Brian Head to the lodge because some portions of the road are only 10' wide. The road will need to be improved. Garbage trucks will not make it down the road.
 - * Camping area near a forest makes it unsafe.
 - * He wants a quiet community.
- Sean Colmureau stated:
 - * 300 people a day is a lot of risk in a desolate area.
 - * Emergency personnel cannot get there.
 - * The noise will be next level.
 - * Trash is a big concern.
 - * Pulling a trailer on the road is scary currently and it will get worse.
 - * He is concerned about ground water and wants environmental studies to be done.
- Kim Imlay, representing himself and other land owners, shared concerns:
 - * Jason Halterman, a 5-generation landowner, has concerns that recreational use will increase harassment of livestock and wildlife. He has had sheep used for target practice. Wildlife is chased away from roads and some people have chased his sheep out in the meadows.
 - * Public trespassing and property damage will occur even when it is a clearly marked area. Garbage is left behind, the ground is torn up, and fencing is torn down.
 - * Their Ancestors have entrusted them to take care of the land. Visitors are only there for their temporary enjoyment.
 - * He asked the applicant to consider making provisions to create opportunities away from fence lines and move the lodge closer to the south near public lands.
 - * They like their way of life and don't want it to become a Park City or Sundance. They want Brian Head to be a special place to live.
 - * The main entrance should be off of Dry Lakes Road and not from Aspen Road, which means that the construction will have to be brought down Dry Lakes Road, which is not safe.
 - * They would prefer existing Brian Head trails be used instead of creating new ones.
- Jeff Faucett stated:
 - * He doesn't want to tell people how to use their property, but the more he hears about the number of people per day, he is concerned.
 - * The road is not wide enough and the many people will make it more unsafe.
 - * Having a lodge and recreation area will create a fire hazard.
 - * If this project doesn't work, he does not want it turned into another troubled youth facility.
- Glen Robinson owns property to the west. To clarify, there will be a perimeter fence. ROW across applicant property to his is in place.
- Logan Cruz stated:
 - * This is a big change for the area and having 300 people is not in the near future. They will be working on different aspects and it will take a long time.
 - * They want to make sure that those around them are not impacted more than they need to be.
 - * Brian Head exists for outdoor recreation and they want to incorporate that into their 645 acres.
 - * They have looked at other options for the location of the lodge, but this is only place they could do it.
 - * They do not plan to turn this into a rehab facility.

- Reed noted that the application would have to apply for any changes to this project and CUP so it could not automatically become a treatment/rehabilitation facility.
- Laine Sutherland clarified that they could bring youth up, from a rehab facility, for day use with appropriate supervision.

Chair Tullis closed the public comments.

Planning Commission & Staff Discussion:

- Laine Sutherland stated:
 - * The CUP, condition #4, does not address use of Dry Lakes because it is a public road. Dry Lakes is already on county maintenance system.
 - * Aspen Road would not be drivable if it is rainy or muddy in a full service truck.
 - * They have the right to use their property, but the current roads are not adequate.
 - * When commercial and residential are near each other, the road changes the dynamic and what is necessary for safe travel.
- Reed explained:
 - * The applicant would have to propose roads in the plans that are due on July 1, 2025.
 - * Dry Lakes is a county road so all public is allowed to use it.
 - * As more development comes, the county must determine the improvement required and who will provide those improvements.
- Mike Platt stated that the CUP is not valid until all plans are submitted and approved. He feels that means the road would have to be improved.
- Reed clarified the county requires WUI standards on the road. If the ICPC determines there needs to be more improvements, then the wording in the cup needs to be improved.
- Laine asked if the landowners could document where the road is not up to WUI standard.
- Roger Thomas asked and stated the following:
 - * What is required by others in other areas in the county regarding roads and WUI standards?
 - * What happens if the July 1, 2025 deadline is missed?
 - * CUP, condition #9, states no ATV use without qualified adult supervision.
 - * CUP, condition #13, states the hours of operation eludes to the hours, but is worried about generators at night.
 - * He would like the ICPC to discuss open fires vs. fire pits.
- Terry Palmer noted that Dry Lakes Road is currently maintained by the county as is; they would have to comply with noise even if they have generators, and the fire warden already requires clear space around fire pits.
- Reed explained that the applicant won't get to continue to operate the business after July 1, 2025, until they submit a plan. The business would be temporarily suspended. If they say they won't be able to submit a plan, the ICPC would meet again and consider revoking the CUP.
- Logan Cruz stated that they are planning on day use only for now.
- Jared Christensen stated that fires are allowed in rings unless fire restrictions are activated for everyone in the area.

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

- Chair Tullis reviewed the CUP Review and Findings (Section 17.28.050)
- Mark Halterman shared that he will recuse himself as he is related to the Robinsons.

Motion: Roger Thomas made a motion to approve the CUP based on the findings discussed.

Second: Seconded by Jared Christensen.

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

Reed noted that the list that Mr. Robinson passed out had a comment that suggested the developer have an ongoing relationship with surrounding property owners and the county, and to have annual meetings on the progress. Since this has been successful on other projects, Reed encouraged the applicant to consider this, as it will go a long way in working things out.

5. CONDITIONAL USE PERMIT APPLICATION – “Outside Storage of Flammable or Hazardous Materials” – (5.0 Acres) Utah Propane – Located near the intersection of Iron Springs Rd and N Comstock Rd (3425 N Iron Springs Rd) Cedar City, (A Portion of APN: SA-E-4240-0000-0000).

Introduction:

Reed Erickson shared the following regarding the CUP for Outside Storage of Flammable or Hazardous Materials:

- Utah Propane is proposing a distribution center out on Iron springs Road, northwest of the landfill.
- The applicant is currently working on a lot line adjustment for the property.
- The road was realigned a few years ago, so one portion of the road will be vacated.
- The tanks would sit on a platform.
- They would have 18 months to use temporary facilities, then after that, they are required to have more permanent facilities.
- The materials are hazardous and flammable so it is high risk, which required them to be permitted through the state and monitored by the state. Proper signage and fencing helps to mitigate the risk.
- Dallas Buckner is in attendance representing the applicant.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

Mark Halterman reviewed the CUP Review & Findings (Section 17.28.050).

- Reed stated that the applicant has reviewed the CUP and is in agreement.
- Roger Thomas noted that CUP, condition #13, regarding fire protection of flammable material may need language added to require training of the local fire department.
- Reed shared that the fire department was talked to and they are well acquainted with this and didn't feel they needed any further training.
- Erick Cox shared that the fire department just received two propane kits to use for train cars all the way down to a bar-b-que.
- Erick asked and Reed clarified that the business traffic will be protected with setbacks, plus it is on the lower portion of the property.

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

Motion: Mark Halterman made a motion to grant the CUP permit for the five acre property identified in agenda item #5, having found the application to be in compliance with the requirements of the Iron County Land Management Code, specifically Section 17.28.050.

Second: Seconded by Erick Cox.

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

6. ZONE CHANGE APPLICATION – “A-20 to LI” – (18.85 Acres) Nathan Harker - Located near 500 E SR 56, Beryl (APN: E-1406-0002-0001)

Introduction:

Reed Erickson shared the following regarding the Zone Change Application:

- Dallas Buckner is in attendance representing the applicant, Nathan Harker.
- Currently there is commercial business along SR 56 in this area.
- No comments were submitted by adjacent property owners.
- R-2 and Commercial zones are also adjacent to the property.
- Nothing exists on the property currently.
- The property is in a Tier IV area as an existing parcel.
- The applicants wants to build two buildings to do light manufacturing.
- There is currently one well, and they may have to drill another well.
- Septic will be required.
- The property has good access with an entrance already there off SR 56. They will be applying for an encroachment permit for the entrance.
- Erick Cox asked if this was in an acceptable fire category.
- Terry Palmer explained that they have met with the county and the fire department and will be required to do onsite fire suppression.

Public Hearing:

Chair Tullis opened the public hearing.

- Wendy Wood Young stated that she owns the property across the street and would like more info about what they will be doing.
- Ken Robinson shared that 20 years ago they had a huge flood on the property and there was a fissure that opened up through there. The water went straight down on that property.
- Terry Palmer stated that the floodwater was to the west of this parcel.

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Reed stated:
 - * There are a number of things that can occur in a light industrial zone. Any of those listed could occur. We don't know yet what they will do.
 - * We do know that the work has to occur within a building, not outdoors.
 - * Any waste that would need to be removed is permitted through DEQ and the fire departments will address fire risks. When they apply for a building permit, those issues are addressed.
 - * No minimum property size is required for a Light Industrial Zone.
- The ICPC members reviewed the Evaluation Considerations for Re-Zoning Property.
- Jared Christensen asked what the sewer requirements were for this lot in comparison to Newcastle's requirements.
- Reed explained that this is outside of the protection area for the Newcastle sewer area. The rest of the county typically requires a minimum of 5 acres for a septic system even though the lot size is 20 acres.

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 this zone change from A-20 to LI.

Second: Seconded by Mark Halterman

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

Reed shared that this zone change application is on the agenda for the County Commission meeting to be held Monday, June 10th.

7. COUNTY CODE AMENDMENT – Ordinance 2024-4, Adding “Chapter 16.40 and Section 17.36.135 – Water conservation regulations”

Introduction:

Reed Erickson shared the following regarding the proposed County Code Amendment:

- This change came as a request from the CICWCD to consider providing eligibility for property owners in the unincorporated area of the county to participate in the turf buyback program as part of the Water Conservation Incentive Program.
- This requires Modifying 3 sections of the code:
 - * Section 17.36.135 -- Adding Standards for Water-Wise Landscaping
 - * Section 17.84.010 – Active Recreation Areas
 - * Chapter 16.40 – Landscaping Standards
- Section 16.35.010 outlines the purpose and intent as:
 - * “The following water efficient landscape standards shall apply to all new residential developments and residential construction.” This includes residential development and other developments, including industrial and commercial projects.
- Section 2 of 17.84-010 Defines the Active Recreation Area. The following would be added:
 - * “Active Recreation Area” means a dedicated active play area where irrigated grass is used as the playing surface, such as a sports field designed for public use. Active recreation areas shall be:
 - (i) A minimum of 1,500 square feet of grass area:
 - (ii) Not less than 30 feet in any dimension
 - (iii) Not less than 10 feet from areas dedicated to vehicular use such as a street or parking lot;
 - (iv) Designed and located to be accessible to large populations, such as at a school, daycare, recreation center, senior center, public park, private park, water park or religious institution; and
 - (v) Co-located with amenities, including but not limited to trash bins, benches, tables, walking paths, drinking water, playground equipment and/or other recreational amenities.
- This is not a requirement for any existing development to change. This is for new subdivisions and new development.
- Chair Tullis asked how this applies if they have their own CC&R’s.
- Reed explained they have to at least be in accordance with county regulations. The county has never dealt with this (landscaping requirements) previously.
- Roger Thomas noted that this is a benefit for people to get an incentive and asked if the county would benefit from this too.
- Paul Monroe stated that the water district, once you are connected, does offer zero scape parameters to allow residents to obtain fewer water rights as well, if the lot is small enough, or landscape restrictions are incorporated.
- Jared Christensen asked if approval of this will force residents to follow this new regulation.
- Reed explained this is only for new development in the front and side yard, not the back yard. Side yard means to the depth of the home.
- Terry Palmer stated that the further out in the county, that depth changes slightly.
- Reed shared that a front yard is a 30-foot setback in an R-1 zone, which is not the whole area in front. This is explained in the definition in the county ordinance 17.84.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Roger Thomas noted that the language interchanges the words “lawn” and “turf”.
- Erick Cox shared that the state of Utah uses turf/sod in their language.
- Rich Wilson recommended adding a disclaimer at the beginning to clarify the terms.
- Reed agreed to change the wording for clarity.

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

Motion: Roger made a motion to recommend to the county commission to approve with the modifications of language and definitions as it applies to Ordinance 2024-4.

Second: Seconded by Mark Halterman.

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

8. COUNTY CODE AMENDMENT – Ordinance 2024-5, Adding “Section 17.30.090 – Designated Livestock Trails”

Introduction:

Reed Erickson shared the following regarding the addition to the county ordinance regarding Designated Livestock Trails:

- The county’s general plan references livestock trail map and trails, but our code has not addressed that.
- Sam Woodall has identified the map and language for addition to county code.
- The map will be on the county website and interactive. Kendal Allen, the county’s GIS mapper, has worked on it with a committee of county staff and residents.

Sam Woodall explained:

- The changes you see in the preamble reference the general plan.
- Commissioner Wood was approached to get protections and preserve the livestock trails in the county. The map and ordinance changes are meant to do this.
- Bruce Anderson pulled the group together to get the map created. There are many trails in Beryl that are not identifiable on the map so the language allows for them to be covered as well.

Reed and Sam asked for the ICPC member’s input, which included:

- Roger Thomas asked what this livestock trail designation does to the landowner and if they have to grant easements.
- Sam explained that they are recognized similar to RS-2477 roads - does not take away ownership, just allows easements and access.
- Roger asked if this change is setting the county up for issues like a fence being on a property boundary.
- Sam explained that it is not specific to fencing, but more of a general direction or area.
- Chelsea Boxwell suggested adding a disclaimer what a “fence-out” means.
- Reed shared that Utah is a “fence-out” state and the county’s ordinance states that residents have to fence out. This means livestock owners do not have to fence animals in. This is addressed in the county’s subdivision.
- Chelsea Boxwell expressed her thoughts that the county should not limit the livestock owners if they go down a road that is not designated.
- Marilyn Wood explained that Sam used broad language to allow for this. Ranchers often avoid areas where people will complain.
- Jared Christensen asked what process is used to verify an historic route.
- Sam stated that he likes the broadness of the wording because it benefits the ranchers and gives them leeway to go in non-designated areas, when previously used.
- Mark Halterman stated he doesn’t want to tie the livestock owners’ hands.
- Marilyn shared that at the I-15 south exit, when it is widened, UDOT will have to leave drainage and a livestock trail that is marked on our map.
- Chelsea Boxwell stated that regarding open range, if livestock is hit on a road or trail, the person must pay for the cattle, if the driver is known. The railroad must do that as well.

Public Hearing:

Chair Tullis opened the public hearing.

No comments were made.

Chair Tullis closed the public hearing.

Planning Commission & Staff Discussion:

- Ken Robinson shared that the local Heritage Festival was created to maintain Main Street as a trail.
- Erick Cox stated:
 - * This new map has 3 to 5 times as many trails as the old map in the General Plan.
 - * State code says the livestock owner has to prove they have used the trail consistently or 20 years. If they miss a year, the trail loses its status.
 - * It is not ok if the livestock owners just do whatever they want, when they want.
 - * If land is sold for a subdivision, the trail should be taken off the map.
 - * The county needs to protect the transportation plan, as well. Nothing is marked on the map on 5700 West, and he’s not sure why.
 - * For a prescriptive easement to remain in place, it has to be used at least once a year. Matt Rhodes, from UDOT, feels the same as he does.
 - * He asked if the livestock owners really need to have all of these trails, if they can prove they use them, and do they take priority over trucking routes.
 - * He asked if all of the marked trails work for moving livestock. Such as on SR-56, the painted lines are a deterrent for livestock.
 - * UDOT will close a road to help livestock if needed. UDOT and the Sheriff’s office need to be notified so they can help protect the livestock and move it through in a timely manner.
 - * The language of the ordinance may be setting the county up to allow the livestock owners to do whatever they want. He feels some of the livestock owners are arrogant about it.
- Marilyn Wood stated that not all roads are marked on the map. They may not always be used.

- Roger Thomas stated that Erick mentioned motor safety and having to run cattle once a year to maintain the prescriptive easement per state code. He asked if the county needs to comply with state code.
- Reed shared that he is not sure the county has to comply if the trail is a designated trail on the county map. Prescriptive roads have to show use, but designated roads on the map are not the same. The idea here is to put the trails on the map so they are designated, so they don't have to use them yearly as required by prescriptive easement laws.
- Roger Thomas stated he is hesitant to make a decision. He does support the livestock owners, but if someone is able to say someone ran the trail 3 years ago and a new owner hasn't seen them cross their property, should it be designated.
- Marilyn stated that most trails are on roads and don't go across personal property.
- Richard Wilson stated that as the county tries to keep historical trails, there are safety concerns to consider.
- Marilyn stated that the livestock owners wouldn't use SR-56 unless they absolutely have to.
- Erick noted that extenuating circumstances could be coordinated.
- Richard suggested that the ordinance state that if "no other route is available" then they could cross SR-56.
- Sam suggested coordination could be similar to agricultural burning with some notification if inside municipal boundary to notify law enforcement and move in a timely manner.
- Richard asked if the classification of roads should be considered.
- Marilyn stated she likes the idea to notify law enforcement. If the ICPC would feel better for major roads, that would be acceptable.
- Mark Halterman noted that it does protect both sides. In the end, everyone needs to use common sense.
- Roger asked if the county has a trail on the map and a developer comes in and want to develop, could that be a mitigation item.
- Reed stated that it is currently in the ordinance to get a letter from livestock owner, the irrigation company, etc. for new subdivisions.
- Sam suggested making some modifications so it could be moved forward, specifically referencing speed limit or type of road.
- Mike Platt suggested continuing the discussing until next month.

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

Motion: Mike Platt made a motion to continue the discussion to the next meeting.

Second: Seconded by Laine Sutherland.

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

Continued Discussion:

- Sam asked for clarification to whether to amend for certain roads or speed limit.
- Paul Cozzens suggested he discuss this with Cedar City.
- Michelle Tullis offered to reach out to Cedar City.
- Erick Cox asked that the decision be tied into the master transportation plan.
- Sam Woodall recommended keeping the ordinance simple because the point is to preserve the trails.
- Reed asked if the ordinance language needs to be changed or if the map should be changed.
- Mike Platt feels the maps don't really make a difference because there is always a disclaimer that says use at your own risk.
- Laine Sutherland shared that using Main Street only started when they wanted to do a parade. That is not the route used as he grew-up. They used to go down 300 South.
- Sam explained the livestock group was involved in the parade so it could be held open as public by use. Also, the language is not as open ended as they may think.
- Laine expressed that they need to work out getting around and through subdivisions.
- Marilyn Wood stated that the livestock industry is going away and we need to preserve it.
- Roger Thomas doesn't feel the map should be changed, but as a developer, he wants to think more about it.

9. SUBDIVISION CONSTRUCTION AND DESIGN STANDARDS – Floodway Setbacks (Coal Creek and Parowan Creek)

Introduction:

Rich Wilson shared the following information and noted it is informational in nature:

- Parowan Creek:
 - * The Parowan Creek is becoming a regular topic of study for him and the county.
 - * Bowen Collins has done the study and we have preliminary information to consider.
 - * Parowan Watershed has almost as much water as Coal Creek.
 - * The county does not have a setback requirement in the building code.
 - * Parowan City's border is very close to the canal. Currently, there are fences and driveways that are too close to the canal.
 - * When the creek releases, the channel will not have enough capacity. That capacity will not be provided until the area is developed.
 - * The county previously created a chart to show setback for many of the creeks in the county. They were determined by the needed capacity for each creek. Parowan Creek's percentage previously recorded was 55%.

- * He is concerned about protecting the residents of Parowan and how to build a 75-foot channel.
- * Bowen Collins, the design engineer, recommends the top of the bank be 75 feet wide to handle a 100-year storm.
- * Along the canal where Parowan's border is next to the channel, from 2525 W to 1800 W, the setback needs to be 176.5 feet. That is 3 feet on the side of the channel to the Parowan border, then the channel is 75 feet wide, plus 100 feet to the home.
- * Along the area that the county controls both sides where there is no building or obstacle, it is still 112 feet because the channel is 75 feet.
- * The ICPC needs to consider what should be done about the fences, as well as establish the setbacks to protect Parowan City residents, if and when the canal is improved.

Staff and ICPC member discussion included past improvements, past water flow, and changes made to the flow path. Reed stated this is for information and it will be discussed further at a future ICPC meeting.

10. MINUTES... consider approval of minutes for the May 2, 2024 meetings.

Motion: Erick Cox made a motion to approve the May 2, 2024 meeting minutes.

Second: Seconded by Jared Christensen.

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

11. STAFF REPORTS...

A. Building Department - none

B. County Attorney - none

C. County Planner:

- Reed Erickson stated:
 - * Next month's ICPC meeting will be held Tuesday, July 2, 2024 due to the holiday.
 - * The public hearing for the Livestock Trails Ordinance has been advertised for the next County Commission Meeting on June 13, 2024. This public hearing will still be held, but no action will be taken. Continued discussion will be occur at the July 2nd ICPC meeting.

12. ADJOURN

Chair Tullis adjourned the meeting at 8:35 pm.

Minutes Approved July 2, 2024 by the Iron County Planning Commission



7/5/2024