

Planning Commission Minutes

September 18, 2024

2:00 P.M.

Those present were Garfield County Planning Commission Chairman Elaine Baldwin, Vice Chairman Judy Drain, Allen Henrie, Dani Harding, Britney Feller, Tony Dinges, Garfield County Planner Kaden Figgins, and Planning Commission Secretary Anne Excell. Planning Commission member Simone Griffen and Garfield County Commissioner Dave Tebbs were excused.

PLEDGE: Britney Feller

PRAYER: Allen Henrie

MINUTES:

A motion was made by Allen Henrie to approve the minutes from August 20, 2024 with changes. The motion was seconded by Britney Feller. Motion passed.

A motion was made by Britney Feller to adopt the agenda with the changing of the Conditional Use Permit to item #4. The motion was seconded by Judy Drain. Motion passed.

Conditional Use Permit- Construction Camp, Neal Carpenter, 50 E 1350 S, Escalante, UT 84726, 11-0024-0142

Neal Carpenter is building a home and has an active building permit. He would like to occupy a travel trailer while he is building the home. The conditional use permit will allow him to live in the trailer until construction is complete.

A motion was made by Britney Feller to approve the Conditional Use Permit- Construction Camp, Neal Carpenter, 50 E 1350 S, Escalante, UT 84726, 11-0024-0142. The motion was seconded by Allen Henrie. Motion approved.

Zone Change-Agricultural to Industrial, Kings Peak Lumber LLC, 3480 North Highway 89, Panguitch, UT 84759, Parcel IDs 14-0064-0391, 140064-0390, 14-0064-0379

Kaden Figgins showed a map of the location approximately 4 miles north of Panguitch. The proposal is to change from agricultural to industrial to open a new sawmill.

Dave Fiala plans to open a sawmill, dry kiln, and a planer system and operate 5 days a week, 12 months a year, and hopefully eventually employ 30 people. Possibly run 2 shifts in the future as the need comes. He has sold wholesale lumber to brokers around the country. Is not planning to be open to the public.

Troy Pearson of Barco, has a mill in Moroni right now, most of the timber they harvest goes there. Power was installed on this property in 2017. This project has been 10 years in the making.

Britney Feller asked whether a traffic study had been done. Kaden said they would discuss that.

Britney Feller made a motion to go into public hearing. Judy Drain seconded the motion. Motion approved.

- Kaden Figgins- it is a UDOT requirement to have a traffic study done. Conditions that require a conditional access permit from UDOT are change of land use and change of land use intensity. It is recommended by the traffic study that a turning lane be installed in both directions and a northbound acceleration lane. Kaden reminded the public that job creation, housing, etc. have nothing to do with a zone change. Biggest concern is the traffic study. Location (being on 89 means industrial is feasible) and should be the Planning Commission's biggest concerns.
- Troy Pearson stated that he would like to work with the community and create jobs.
- There were questions from the public regarding the hours of operation and when log trucks would be coming and going.
- Allen Henrie-labor has been lost because of the housing situation, Kaibab had 200 employees and went up the street by where he grew up, traffic, light, and noise, wasn't a big issue. Employees came from surrounding counties.
- Susan Gallego- Is worried about the amount of traffic with the addition of trucks coming and going.
- Bruce Decker- has traffic concerns also.
- Chris Calleros- lives across the highway from the sawmill, concerns are traffic safety, air quality with dust concerns, potential light and noise pollution, property values, quality of life, and proper notification (thinks more people should have been notified and not just 500 feet away from the property). A letter to the planning and zoning commission will be sent from his lawyer.
- Troy Calleros-says this is not the proper area for a business like this next to a residential area. Appreciate them and the county trying to bring jobs in, just feels this is not the right area. An industrial area would be a better place for this operation.
- Chris Calleros-an industrial zone would be better for this operation and potentially bring more industry to the area.
- Elaine Baldwin- lives close to the current sawmill and she has seen none of the problems that have been brought up. I think maybe you're anticipating more problems than there will be.
- Britney Feller- What zones are surrounding this project? Kaden-all agricultural are around. The county's ordinance says commercial shall be in close proximity to general highways.
- Tracy Wright-Where was the pig farm going to be? Kaden-never a new pig farm proposed since he has worked for the county. There is one below Circleville in Garfield County. A veal processing facility was proposed in the past. Tracy Wright-Why was it declined? Kaden-required too much water and the developer wasn't serious. Tracy

Wright has concerns about the property becoming industrial because it will stay industrial forever. Worries about seepage into the groundwater.

- Tad Draper- It feels like the land has already been developed and this is a formality. The land has been cleared and lots of equipment has been moved in. Everything is ready to move in without any notification to any of the neighbors.
- Kaden Figgins said that landowners are allowed to clear their land and store things on it. There have been no building permits pulled. He said that this zone change was advertised with the public notice website and letters were sent out as soon as physically possible. There is no state law that requires any notification whatsoever to any property owner. The Garfield County Planning Commission decided, as a courtesy, to notify property owners within 500 feet.
- Britney Feller- just to reiterate what Kaden already said, anything that they've done thus far, they are not breaking any ordinances, laws, whatever. You can do whatever you want to your property.
- Elaine Baldwin asked everyone to halt for a moment. She reiterated that there's no requirement from the county, city, or state, that anybody be notified of zone changes, except that this commission felt that it was important that neighboring properties within 500 feet be notified. We need to just keep remembering that we will be living and working together for a long time, whether this is approved or not.
- Elden Frandsen- concerned about what it's going to do to the highway, and what part of this mill is going to be up next to the highway, and the noise making part of the mill is going to be open to the highway, how the residential area that will be affected.
- Elaine Baldwin asked about noise. Dave Fiala- Machines will be located in buildings to mitigate noise. Lighting will be pointed to the ground as much as possible. Wants to be good neighbors.
- Brad Reeve-wants to see the map of what industrial was close to this. Kaden-no industrial close to this. Brad owns directly south of this property. This property has been used as industrial property long before any of these houses were built without being zoned industrial. He is in favor of the sawmill going in and thinks it will be good for the community.
- Paul Partridge-sees no problem, has been used as log storage for years by different entities.
- Bruce Decker-all his comments have been submitted. We are a neighborhood and we are objecting to having it put there. Not opposed to a sawmill, just feel this is the wrong location.
- Reuben Gallego- Has concerns about the number of employees, what kind of people will be working there and what kind of crime.
- Chris Calleros-wants a clarification on when the final decision will be made. Kaden Figgins said the planning commission gives a recommendation to the county commission, and the public's chance to speak is today in planning commission meeting. Thank you for showing up and expressing your opinions. The county commission meeting will be this upcoming Monday, September 23rd. The public has 10 days from the county commission's decision to submit comments.
- Chris Calleros-Asked about the benefits to the community if lumber is not being sold to the public. Dave Fiala said they are not set up to charge sales tax and cannot sell to the

public. Chris asked about contracting with Ace possibly and selling to the public. The owners agreed that is a possibility that has been talked about.

- Britney Feller- Asked about the future of the project where the traffic study requires a turning lane. Troy Pearson said if a traffic study requires a turning lane, they'll put a turning lane in.

Allen Henrie made a motion to exit public hearing. Britney Feller seconded the motion. Motion approved.

Kaden Figgins invited the public to the county commission meeting on Monday, September 23rd at 10:00 am. He reiterated that whatever decision is made today, it oftentimes is the same with the county commission, but it's not always the same, so just recognize that.

Allen Henrie asked about the possibility of approving this with conditions. Kaden Figgins said that we cannot impose conditions for lighting and sound.

Allen Henrie made a motion to approve the Zone Change-Agricultural to Industrial, Kings Peak Lumber LLC, 3480 North Highway 89, Panguitch, UT 84759, Parcel IDs 14-0064-0391, 140064-0390, 14-0064-0379 with the requirement that turning lanes be installed. Britney Feller seconded the motion. Motion approved.

Business:

Next meeting is scheduled for October 16, 2024.

Britney Feller made a motion to adjourn. The meeting adjourned at 3:32 pm