



Washington County Land Use Authority Meeting August 12, 2025

The Regular Meeting of the Planning Commission of Washington County was called to order by Chairman Brian McMullin at 1:30 p.m. on August 12, 2025, in the Washington County Commission Chambers and via Zoom, at 111 East Tabernacle Street in St. George, Utah. The Commissioners in attendance were Brian McMullin, Mark Owens, Kevin Jones, Brandon Anderson, Keith Kelsch and Olivia Anderson. The Washington County Staff in attendance: Scott Messel, Director of Community Development, Victoria Hales, Washington County Deputy Attorney; Elliott Taylor, Public Works Engineer; Lance Gubler, Building Inspector; Emerson Rivera, Zoning & Code Compliance Specialist; and Sinalei Tutagalevao, Administrative Permits Assistant.

MEETING OPENING AND WELCOME.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance led by Chairman McMullin.

ROLL CALL / STATEMENTS OF CONFLICT OF INTEREST.

Chairman Brian McMullin: No Conflict
Vice Chairman Mark Owens: No Conflict
Commissioner Kevin Jones: No Conflict
Commissioner Brad Gaston: No Conflict
Commissioner Olivia Anderson: No Conflict
Commissioner Brandon Anderson: No Conflict
Commissioner Keith Kelsch: No Conflict

The Planning Commissioners motioned to revise the agenda and move agenda item # five to the first item due to the applicant needing to leave for a doctor's appointment.

MOTION:

Commissioner Brian McMullin MOVED to have item number five moved to item number one on the agenda. Commissioner Keith Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

- 1. ROAD DEDICATION PLAT (Public Meeting – Administrative).** Review a proposal for a Road Dedication in the Enterprise area which impacts a portion of Holt Canyon Road and Bench Road. The property affected by this proposal is parcel 7004-A-1-D-NC, consisting of 10.70 acres, which is approximately located at 3350 E 1350 N, Enterprise UT 84725. The current zoning designation is A-20 (Agricultural 20-acre minimum lot size). Zoning is not



being adjusted with this application. The applicant is Dean Terry.

Staff Recommendation:

Staff have reviewed the road dedication plat for Bench Road and Holt Canyon Road and recommends the Planning Commission send a positive recommendation to the County Commission to approve the road dedication plat, based on the following findings and conditions:

1. The public meeting was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
2. The road dedication is beneficial for the public and Washington County.
3. The proposal meets the County's needs.
4. The proposal meets the County General Plan.
5. The proposal meets the applicable Washington County Codes.
6. The language on the final plat and mylar is subject to approval by the County and the County Attorney's office.
7. The road dedication does not legalize any parcels that have been bisected by the roads.

Ms. Victoria Hales (Deputy Attorney) thanked Mr. Dean Terry for assisting in dedicating the road to the County prior to the zone change and she provided that the County will work with him on future lot configurations and zone change.

MOTION:

Commissioner Kevin Jones MOVED to APPROVE the road dedication plat based on findings and conditions one through seven. The motion was SECONDED by Commissioner Keith Kelsch. All Commissioners voted in favor, the motion passed.

2. **Zone Change (Public Hearing – Legislative):** Review a proposal for a zone change in the New Harmony area. The property is located approximately at 1300 E 2200 N, New Harmony UT 84757. Parcel 3001-TR-STL, which totals 798.0 acres. The zoning designation is currently OSC-20 (Open Space Conservation 20-acre minimum lot size). The applicant is proposing a zone change to OST-20 (Open Space Transition 20-acre minimum lot size). The purpose of the zone change is to enable the applicant to build a single-family residence and potentially an accessory dwelling. The applicant is Dusty Pulsipher.

Mr. Scott Messel gave an overview of the property some of the concerning issues raised are as follows:

1. The property is accessed via BLM access
2. Applicant has already proceeded with construction and has scarred up the hillside without necessary approvals.
3. There are significant slopes, cuts and fills that need to be done



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4. Public Works is concerned about public safety due to the incline of hillside and topography of the site.
5. Concerns about Emergency service accessibility if there was an emergency such as wildfire.
6. Current ordinance requires that when rezoning a parcel, utilities need to be in place for the density at which the property could develop. However, due to the topography and hillside of the property, it would be a challenge to develop anything more than a single-family dwelling.
7. Concerns about the work that has been done on site without any approvals or engineering.

Staff Recommendation:

Staff has reviewed the requested zone change application for completeness and recommends that the Planning Commission hold the required public hearing and determine if it will send a positive or other recommendation to the County Commission regarding the zone change request from the OSC- 20 (Open Space Conservation 20 acre minimum lot size) zone to the OST-20 (Open Space Transition 20 acre minimum lot size) zone for Parcel 3001-TR-STL located in New Harmony.

1. The public hearing for the zone change request was properly noticed.
2. The public hearing was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
3. The applicant has successfully provided proof of access, water, and septic feasibility.
4. Although the applicant has provided a Will Serve letter from Harmony Valley Fire, the applicant will be required to adhere to the WUI (Wildland Urban Interface) code for construction of buildings or dwellings on the property.
5. Because of topography and slope conditions the applicant will be required to obtain engineered grading approval and follow the Hillside Ordinance requirements when building roads and preparing building sites.
6. The zone change would support the applicant with developing the property and obtaining building permits for permitted use on an OST-20 (Open Space Transition 20-acre minimum lot size) parcel.

Commissioner Brandon Anderson asked Comments and Questions:

Commissioner Mark Owens reported the following regarding a site visit he did with Mr. Elliott Taylor shortly after the July Planning Commission meeting. He reported the following results after his site visit:

1. The drive to the top of property is accessible only with a 4-wheel drive



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2. Concerns about emergency vehicle service accessibility i.e. fire protection due to the grades of the road.
3. He would not want to see a zone change for all 800 acres without the applicant present for questioning.

MOTION:

Commissioner Mark Owens motioned to table item two to an uncertain date. Commissioner Keith Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

Commissioner Bradon Andersen asked Commissioner Owens about whether there needs to be some sort of remediation based on the slope recommendation given by staff.

Commissioner Owens responded by saying that is “very possible”, if they are staying with the existing alignment that was cut through.

Commissioner Owens is not concerned about drainage but more so about the slopes, width and alignment of the road.

Commissioner Olivia Andersen queried whether they provided septic feasibility and whether there was enough land without a slope to accommodate it?

Commissioner Brandon Andersen responded that, this would not be known until a topography of the slopes is provided.

Ms. Victoria Hales added that she would need to see a recorded easements document that is perpetual from the BLM prior to the zone change.

Commissioner Owens asked Ms. Hales if a zone change can be done for the area where the structure is on instead of changing all 800 acres.

Ms. Hales responded by stating that the Planning Commissioners can grant, modify or deny the zone change.

Mr. Messel added that another public notice will need to go out as this item been tabled to an uncertain date.

3. **ZONE CHANGE (Public Hearing – Legislative).** Review a proposal for a zone change in the Central area. The property is located approximately at 300 W 300 S, Central UT 84782. Parcel C-8-A-2-DD-NW, which totals 36.95 acres. The zoning designation is currently A-20 (Agricultural 20-acre minimum lot size). The applicant is proposing a zone change to M-G (Mining and Gravel 20 acre minimum lot size). The purpose of the zone change is to enable the applicant to excavate, extract, and transport cinders. Access to the property is accomplished by an easement providing access to Frontier Rd. The applicant is Bryce Christensen.



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Mr. Scott Messel provided that the applicant is requesting a zone change of parcel C-8-A-2-DD-NW located in Central, Utah. The parcel is currently zoned A-20 (Agricultural 20 acre minimum lot size). The applicant is proposing a zone change to the M-G (Mining and Gravel 20 acre minimum lot size) zone. The application provided by the applicant indicates the plan for the property is to mine cinders and provide useful material to community members and others who have expressed interest in purchasing the cinder material. The applicant does not request crushing or processing on site, only excavation, extraction, and transportation. Due to surrounding zoning, the operational setback for the extraction and excavation work is 200' from all property lines. The applicant has proposed utilizing and improving an access easement through parcel C-15-NW, providing access to Frontier Rd. The application for zone change is supported by proof of power, from Rocky Mountain Power, proof of water, from Dixie Deer Special Service District, and fire protection from Northwest Special Services District. The applicant is proposing the use of Porta-Potties instead of installing a septic system. Any mining and gravel plan details pursuant to County ordinances will come before the Planning Commission later if the zone change is granted.

Staff Recommendation:

Staff has reviewed the requested zone change application for completeness and recommends that the Planning Commission hold the required public hearing and determine if it will send a positive or other recommendation to the County Commission regarding the zone change request from the A-20 (Agricultural 20 acre minimum lot size) zone to the M-G (Mining and Gravel 20 acre minimum lot size) zone for Parcel C-8-A-2-DD-NW located in Central, Utah.

1. The public hearing for the zone change request was properly noticed.
2. The public hearing was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
3. Washington County Staff and members of the Planning Commission visited the site location on August 19, 2025 with the applicant. The purpose of the visit was to evaluate potential nuisance issues related to noise and to review site conditions and access.
4. If approved, the applicant will be required to obtain approval of a mining and gravel plan, a rehabilitation and reclamation plan, and performance assurance under terms acceptable to the county prior to issuance of business license and a mining and gravel permit.

Scott Messel invited the applicant or his representative to the podium.

Mr. Kass Whalen (Attorney representing Bryce Christiansen) made the following points:

- Introduced himself and related that he used to serve on a planning commission board and is familiar with what it entails.
- Described the operation as an extremely small one.



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- A site plan was put together for the zone change application, he voiced that Mr. Christensen wanted to ensure that there was a buffer between his operation and the neighbors by taking some steps such as:
- Processing of materials would not be done on site.
- Dust suppression significantly reduced due to off-site processing.
- Taken steps to act responsibly within the boundaries of the ordinance while exercising property rights and putting this property to good use.
- This property has valuable economic use for mining cinder. Cinder has a variety of uses and can be used in construction, for ice control, landscaping etc...
- Mr. Whalen invited questions to be asked.

Planning Commissioner Questions and Comments:

Commissioner Mark Owens wanted to clarify what type of processing will be done on site or would it just be excavated and loaded into a truck?

Mr. Whalen answered that the product would be excavated and loaded on to trucks to be processed off-site.

Commissioner Keith Kelsch asked where the processing would take place and if material would be taken directly to job sites or to another plant for processing. He also asked about the buffer that was mentioned and how dust will be mitigated, especially with the easement.

Mr. Whalen responded to Commissioner Kelsch that he does not know where it will be processed. He provided that the dust issue would be addressed by the county ordinance set back requirements for this zone which is a 200-foot set back around the perimeter of the property. Furthermore, he provided that the dust caused by the easement would be solved by an improved road, dust control implementation and that they would be very cautious.

Commissioner Kevin Jones asked about the parking spots shown on the site plan on the neighboring property to the north. He asked if they are getting an easement for the parking spaces?

Mr. Whalen stated that there is an easement across the two properties, but they are in different names.

Ms. Victoria Hales cautioned the Planning Commission about reviewing the site plan as it is not before them. She advised that the zone change is what needs their review and whether it is appropriate for the area. She furthermore stated that the site plan will come in if the zone change is given, later when a Mining and Gravel plan is submitted. She added that parking spaces would not be allowed on adjacent property.

Ms. Hales also cautioned the Planning Commission against considering a promise at a zone change level that there would not be any processing on site. The reason is that once the zone change is granted, then the applicant can propose anything in the Mining and Gravel Zone to be done on that site. Mr. Hales further explained that the applicant may decide at the 'Mining and Gravel Plan stage to take those uses off the table but the promise now, or the promise of the site plan is helpful and informative, however, it is not what is before them today for the zone change.



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Commissioner Olivia Andersen asked a question about the future development of that property if they were to be granted the zone change. She asked about whether there would be any precautions taken for results of future oil leaks that may leech into the ground water due to future vehicle maintenances done on site. She also questioned whether they would look at a safer turn lane for the road coming off from Highway 18.

Mr. Whalen answered that if it is required of them to have the safe lane then they would do that. He stated that during the permitting phase they would go through that analysis to see whether that needs to be done. He answered that if she was referring to the post mining land use after the land has been wholly mined out, then they have not thought that far ahead in the future. He speculated that it would be perhaps a future rezone request

Commissioner Andersen responded to Mr. Whalens' comment by stating that the applicant should be thinking that far ahead in the future as it is not going to be empty and considering it is surrounded by residents and agricultural use. He responded to her other question by stating that it is a very small operation, maybe two pieces of heavy equipment. He added that if there were to be an oil leak or spillage, it would not be a large quantity, but there would be plans in place for environmental protection.

Commissioner Owen questioned what the applicant saw as the life expectancy of this project. He followed it up with a question of how much volume would be expected. Commissioner Owens felt it would be helpful for the community to know the volume of traffic that would be expected.

Mr. Whalen answered by stating this would be contingent on the market demand, he gave an estimate of twenty-year plus range. Mr. Whalen replied that he did not know the answer to Commissioner Owens question in terms of the volume and would need to consult Mr. Bryce Christensen.

Commissioner Kevin Jones asked Ms. Victoria Hales the following question: "If the zone change was approved today would it be correct to say that there could be two trucks or twenty trucks a day?"

Ms. Hales responded by saying complete mining and gravel plan would be brought before the Planning Commission if the zone change is approved. She provided that the Planning Commission would be able to set limits to the plan and she stated that requirements could be made about how to surface the access easement or improve Frontier Road that faces the easement. She explained that the Planning Commission could adopt the Mining and Gravel plan, adopt it with modifications or reject it.

Commissioner Olivia Andersen asked a question to Ms. Hales regarding the Highway 18 Scenic Byway which starts at Snow Canyon and extends to Enterprise and whether that would be something to be considered.

Mr. Scott Messel stated that it has not been established yet as a Scenic Byway.

Ms. Hales responded by saying that she thinks it does not yet have a state designation as a Scenic Byway. She continued that with regards to compatibility, all of the issues being discussed relate to whether or not to recommend the zone change, it could be considered at



this stage but it has not been designated as a state approved Scenic Byway.

Mr. Messel continued by saying that with regards to the expansion onto adjacent parcels - that state code does allow once a gravel and mining operation is established that it can expand onto adjacent parcels without any control by the local jurisdiction.

Commissioner Olivia Andersen responded to Mr. Messel's comment by adding that if the adjacent parcel was sold to the applicant, she asked whether the parcel would require rezoning.

Ms. Hales confirmed that if that were to happen, the adjacent parcel would need to be rezoned. Ms. Hales provided that State Road 18 is actively working to establish a scenic byway status but is not there yet.

Mr. Whalen explained HB 355 that was passed in the last legislation. He stated that in order to expand, you would need to have ownership or control over that parcel by a certain date so it does not have a perpetual, forever into the future ability to expand. He expanded that one would have had to acquire that parcel in time according to that statute. Furthermore, he stated that practically speaking you would need to have the resource on that parcel. He gave the example of the parcel to the north, which does not have the cinders on it, and therefore there would be no expansion.

Commissioner Brian McMullin commented that if the parcel was owned by a family member and there was a need for water, there might be a need for water to expand to other directions, this may be something to look at.

Mr. Whalen explained that the water is already established under the Division of Water Right approvals and the statute would not allow expansion for purposes of acquiring water. He explained that this bill is specifically designed for extraction of sand, gravel, rock and aggregate.

Commissioner Kelsch questioned whether the applicant had had any geotechnical testing to see the size of the cinders.

Mr. Whalen replied that he will ask and is not aware if any geotechnical testing has been done.

Commissioner Brandon Andersen commented that he had done a little research and found that material from this pit has been slowly being removed since 1977. He wanted to provide a historical background to this pit, he found that for the past 50 years this has been happening.

Ms. Hales provided that from a legal standpoint (she has addressed this with the applicants' attorney) they do not have an existing non-conforming use of that property as a mine; it was done illegally.

Commissioner Brandon Anderson reiterated his comment by stating removal of material has been occurring for 50 years. He responded by clarifying that he is not saying that it is legal.



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Ms. Hales responded to this by stating that the removal of material for over 50 years does not create a legal right and she emphasized that this is the County's standpoint.

Chairman Brian McMullin opened the public hearing.

The following members of the community were given two minutes per individual and four minutes if they were representing a group.

Rosemary D'Amato (Resident of Central):

- She represents a group of individuals from Central who were unable to attend.
- Gave an overview of Central and provided a few statistics about Central which were 425 homes, 625 parcels.
- Provided that they are a small community with animals and have gardens which they share produce with their neighbors.
- No industrial or commercial applications in the Central community.
- General Plan, it was never planned that Central would become an industrial use.
- Community is quiet and reserved community, with fruit trees, organic gardens and a secret potatoes farm which gives back to the community and at-risk groups.
- Gave examples of Central Broadband project with a shorter end date.
- Explained that due to Centrals' topography which is hilly and rocky, sound carries.
- Concerned about the end date of Mining and Gravel Site which is 15 – 20 years or more.
- Concerned that this would bring constant noise and dust day in and day out for a very long time.
- Provided the commissioners with samples of cinder and gravel.
- Requests that the County ensures that dust control measures are followed and mitigated if this project goes through.

Dan Norton (Resident of Dixie Deer Estates, directly across from potential Mine)

- This is an established residential neighborhood, not a commercial mining area.
- Never any provisions made for heavy duty equipment and truck access.
- Property values would plummet if approved.
- Many seniors living there has COPD or breathing issues that will be affected by negative air quality.
- Applicant started doing work without any permits until they got caught.
- Prior to there being permits there was on average of 8 – 10 large bull dozers and 18 wheel trucks and heavy equipment daily with no dust control.
- All the deer, quail and wild turkeys have disappeared from the area since they started.
- Intersection of Highway 18 and Frontier Road cannot accommodate 18-wheel trucks entering the highway going southbound

Vince Tracy (lives off of Frontier Road)

- He moved here 13 years ago to live somewhere peaceful and quiet.
- Wildlife disappeared from field since the applicant started.



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- His wife has COPD health issues, which has been affected by the dust generated by this project.
- His home value negatively affected.
- Noise of the heavy equipment backing up was unbearable.

Gordon Poppit (Property Owner in Dixie Deer)

- The zone change is inappropriate and has ongoing perpetual repercussions.
- It is not a case of Central verses Mr. Christiansen; it is a case of common sense.
- There is no credibility in the location of the mining and gravel pit.
- This zone change is detrimental and in opposition to the Masterplan.
- The County must do a traffic impact study at the intersection of SR 18 and Frontier Road, otherwise fatalities are inevitable.
- Commended Ms. Hales on being smart and quoted her question to the Planning Commission, which was whether they cared.

Ed Love (Central Resident)

- Spoke of the dust and noise factors as being unbearable.
- Suggested that the speed limit at the intersection be changed to 35 mph or install a stop light.
- Commented on the need for County to control the applicant's operation as there is no guarantee the applicant will not break the law again as applicant will do what he wants to do.
- Asked the Planning Commission to help residents for a change.

Slade Hughes (Central Resident)

- He believes the zone change will increase his property value.
- Would like to see the applicant use his property for the highest and best use.
- Material for critical infrastructure is important in our county and there are only certain places this resource can be found.
- The applicants' proposal is a good and proper use for this property and is in support of it.

Chairman Brian McMullin closed the public hearing.

Chairman McMullin invited applicant to the podium to respond or comment.

Mr. Whalen and Ms. Cheyenne Christensen approached the podium.

Mr. Whalen clarified that the life span of this project is shorter than what he had indicated earlier. He stated that the anticipated life span, so the target is 10 – 15 years dependent on market demand and this is more of an accurate estimate then the one he gave earlier.

He provided that as far as where the material will be processed, it would be in St. George,



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where the applicant has a current processing yard. The next question he addressed was whether there was Geotech testing done and the answer is yes, and they are happy to provide that as part of the permitting process if that is required as part of the ordinance.

Cheyenne Christiansen (Daughter of Bryce Christiansen) approached the podium.

- Shared they also had animals and a family member with health issues.
- Have several employees that go through certification every six months for dust and to follow air quality.
- Silica testing is done at pit in St. George, where material will be processed at.
- They will not be using Dixie Deer culinary water for dust control.
- Expressed that they understand where the community members and are no strangers to the effects of dust.
- Commented that dust cannot be helped if there is wind.
- Cinders do not produce dust, but they will have several acre feet of water, not from Dixie Deer.
- There is water in Bryce Christensen's name of about 16.75 acre-feet and the well is on on Neica Christensen's property (Parcel # C-15-NW, which is a neighboring parcel).

Commissioner McMullin asked for information about the water being used for dust control and where it will be sourced from.

Mr. Whalen explained that there is a temporary change application that has been approved through the Division of Water Rights specifically for dust control on that parcel. He explained that the well location is on Neica's property, but the use is on this parcel.

Commissioner Kelsch invited all present to have a look at Bryce Christensen's excavation site by Fort Pierce Drive. It is currently located in an area where across the street there are multimillion-dollar homes. Commissioner Kelsch stated that he uses that pit often. The applicant provided assistance in the demo of some Pine Valley homes that were destroyed in the Forsyth fire. The concrete from those homes was brought here and recycled. He explained that they do a lot of wet processing. Commissioner Kelsch shared that he was once a resident of Dixie Deer Estates, he has built and restored homes there and understands their concerns. He concluded by inviting residents to have a look at Bryce Christensen's processing pit on Fort Pierce and the multi-million dollar homes just across the street.

Commissioner Owens commented that four of the seven members of the commission live either from Dammeron Valley - going north. They are very familiar with the corridor, and several have made comments regarding dust created from the Diamond Valley gravel pit. He is a witness to the dust created from Diamond Valley gravel pit three or four times a week. He referenced Commissioner Kelsch's mention of Fort Pierce and commented that the aggregate crushing site at Fort Pierce was there before the homes were built. He also referenced the pit in Cedar City that produces 400 tons per year and the product is gypsum which is more susceptible to dust. Commissioner Owens wanted to set the record straight and still has a question that he hopes the applicant will address. He asked how much is



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coming out of that pit per day or per week. He explained that this was just to give the public some understanding of what to expect. He voiced that he is disappointed in the current code, as it does not require all of this information up front. He said that going forward, it would be good to provide all the information before we make a decision instead of after the fact. He furthermore commented that he hopes this can be worked on in the future. He invited the applicant to provide a ballpark figure of the amount of material that will be coming out of the pit per day or per week.

Mr. Whalen approached the podium to answer the question. He answered that this would be refined as time goes on, but there will not be a day where there will be more than twelve trucks go through, which is the very upper limit. He gave the approximation of about one truck every hour, which is what their target is.

Chairman Brian McMullin invited comments from the Planning Commission and Ms. Victoria Hales.

Ms. Hales stated that as Planning Commission it is their job to determine whether to recommend this zone change with modifications or to deny it. She advised that they would base this determination on compatibility with surrounding areas, zoning, public needs and whatever else is in their perview to determine that a zone change is appropriate for this use. She continued by saying that staff has set forth all the zoning surrounding the uses and they have heard from the public and the applicant, and it is in their discretion to recommend the zone change or not.

Commissioner Olivia Andersen asked whether there was a precedence with the County. She further questioned if this was the first time a parcel nestled in the middle of residential and agricultural zones would be changed into a Mining and Gravel zone.

Ms. Hales responded to Commissioner Andersen by saying that the Mining and Gravel Zone is relatively new, it has been in place for about four years and this is one of the first zone changes for mining and gravel.

Chairman McMullin proposed that he would like to table this item for himself as he personally felt he needed more information as there not enough information provided for him to decide. He said that this was a very important topic and the residents had raised excellent points that he had not thought about and would like to see this tabled to another meeting.

Commissioner Olivia Anderson added that she would like some more direction in the decision-making process. She brought forward the deciding factors aforementioned such as compatibility, economic – and she a queried what the ruberic would be to grade this as a pass or fail. She voiced that if a precedence is what is being set, then it needs to be done correctly.

Ms. Hales advised that the planning commission the options of tabling the item to a date certain or to an uncertain date. She advised under a date certain no public notice will be done as it has already been noticed. She explained that if they were to table it to an uncertain date, then it would need to be noticed.



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Commissioner Kevin Jones spoke of Highway 18 and the different Quarries along it, he listed the three quarries in Veyo, one in Dammeron Valley, one in Diamond Valley which concerns him and lastly the cone volcanoes was dug in at one point. He voiced that Highway 18 is not new to these type of projects, what is new is having it in Central and affecting the property owners there. He expressed that he is really conflicted on the applicants property rights but also the community and it would affect them. He mentioned again that it is not unprecedented because all those volcanos are volcano bubbles that have been dug into over the past 50 years, so that is not unique. He said that even if he voted for the zone change, he would be very strict about the next step which is their mining and gravel plan and would ensure that some of the issues raised by the residents would be addressed. He expressed that this is new to Central and it would need to be done right. Commissioner Jones went on to talk about where he lives and his experience with the current gravel pits in his areas and the ones concerning him. He mentioned that the ones in Veyo had the dust well controlled.

Commissioner Keith Kelsch was in agreement to table this to a future date as there are a few things he wanted to check out himself. He wanted to see how noise penetrates over 200 feet and he wanted to check a few other things himself.

Commissioner Brandon Andersen mentioned if it was tabled there needed to be specific on what information they would require.

Commissioner Kelsch added that it would be nice to have the Geotech report in place.

Mr. Whalen wanted to address the point of 'what to come back with', he highlighted a governing standard in the Washington County ordinance for the zone change which is found in 10-5-3. He continues that this ordinance provides what is required for a zone change which are seven listed items and additional items if your zone is increasing density. He said that this zone change would not be increasing density, but they have still provided the four items to give as much information as possible. Mr. Whalen cautioned the Planning Commission about requesting from the applicant items that are part of the permitting process such as a reclamation bond, reclamation plan, mine operating plan, the details of how much sloping can be conducted. He continued by saying there will be a vast amount of information given in the permitting phase conducted by scientific examination. He stated that requested that ahead of time puts the cart before the horse. He advised that pursuant to code they have provided what was required for the zone change, and legally speaking they do not want to provide items that are part of the permitting process as part of the zone change.

Commissioner Kelsch reiterated that having a Geotech report to find out how deep the cinder is, that information would help to move forward with a possible zone change. He also said that the report would locate where the actual mining value is on that property.

Mr. Whalen responded to Commissioner Kelsch by stating that they would be happy to provide it if it is required by the ordinance and perhaps outside of the ordinance as a gesture of good faith. He questioned which criteria in the zone change does that satisfy. Mr. Whalen provided that all of the mining activity would occur within the 200 foot set backs surrounding the property and nothing inside the set backs.



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Commissioner Kevin Jones addressed that according to the site plan provided, basically the entire hill can be removed. He went on to say that the hill would be gone, the edges would remain.

Commissioner Olivia Andersen added, and if the property south of that was acquired, then that could all be mined except for a 200-foot easement.

Ms. Hales responded to that by stating, that it would be subject to another zone change.

Commissioner Mark Owens commented that he senses a lack of trust or commitment from the community. He questioned whether it would make more sense to come in from the west side and mining from that side to demonstrate the applicants' commitment to dust control and mitigation of noise. He stated that the west side was more industrial and probed whether the applicant consider that option. He also suggested via the south through Slade Hughes property.

Mr. Whalen responded that there is no access on the west side and the current legal access is via that northern parcel but they are open to discussions.

Ms. Hales provided that from a legal standpoint, any questions can be asked relating to the compatibility of the land and with the surrounding compatibility of the other uses. Furthermore, she stated any questions can be asked about the negative impact on the community or the economic and the public needs of the area. She reiterated that all of these relate to whether or not a zone change is compatible for the area. She explained that there are many ways to ask questions that do not get into the details of the mining and gravel plan. She laid out that the requirements of 10-5-3 are check boxes and they do not relate to the discretion of the Planning Commission and their ability to decide in their discretion whether to recommend, not recommend or recommend modifications of the zone change. She provided that the requirements in 10-5-3 relate to utilities for the property prior to the zone change. She summed up by stating that those are a check box requirements list but not the considerations for compatibility and other issues related to land use and compatible land use in the area.

Commissioners discussed whether it would be tabled to a future date or whether they would recommend approval and look at making modifications to the Mining and Gravel Plan. A visit to the site was mentioned to see how noise and dust would be mitigated by the applicant. It was requested that notes about the residents concerns be carried forward with the zone change recommendation, much like annotations. Another brought up that if the zone change was approved, the minutes for the meeting would need to be shown in the approval, and the minutes will be available to review with the site plan. It was mentioned that the more information they have, the better it would be.

Ms. Hales reminded the Planning Commission that they are the land use authority over the Mining and Gravel plan which is a public meeting and there are no grounds required for tabling an item.

Commissioner Bradley Gastons comments were not decipherable due to mic issues.



MOTION:

Commissioner McMullin motioned to table this item to September 9th 2025 to the next Planning Commission Meeting. Commissioner Brandon Andersen seconded the motion. All Commissioners voted in favor, the motion passed.

4. **ZONE CHANGE (Public Hearing – Legislative):** Review a proposal for a zone change in the New Harmony area. The property is located approximately at 500 N 175 E, New Harmony UT 84757. Parcel 3022-NS, which totals 20 acres. The zoning designation is currently A-20 (Agricultural 20-acre minimum lot size). The applicant is proposing a zone change to AEO (Agriculture Estate Overlay 20-acre minimum lot size). The purpose of the zone change is to enable the applicant to build a second single family residence on the property. The applicant is Roger Barker.

Staff Report:

Mr. Messel gave an overview of the property stating that the Community Development Department received a Zone Change application for Parcel 3022-NS (20 acres) currently zoned A-20 (Agricultural 20-acre minimum lot size) in New Harmony. The property owner (Roger Barker) is requesting a zone change to the AEO (Agriculture Estate Overlay) zone, which will allow for two single family dwellings on the property. The site plan details the position of existing structures and the planned location of the second home. The AEO zone allows property owners flexibility from some requirements in exchange for enhanced planning and design.

The AEO zone does not allow for short term rental, and improvements to the entire parcel are required to stay under one ownership.

Mr. Messel provided examples of why the Agricultural Estate Overlay was created and provided background on the overlay zone.

Recommendation:

Staff have reviewed the application to rezone parcel 3022-NS to the AEO (Agriculture Estate Overlay) zone, and recommend the Planning Commission hold the required Public Hearing to determine the recommendation they will send to the County Commission based on public comment and the following findings and conditions:

1. The Public Hearing was properly noticed and held in the regularly scheduled Planning Commission meeting on August 12, 2025.
2. Parcel 3022-NS is compliant with the A-20 (Agricultural 20 acre minimum lot size) zone .
3. The self-imposed overlay zone may be requested by the owner, considered by the Planning Commission, and determined by the County Commission as the land use authority.



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4. The applicant has completed the Agriculture Estate Overlay Zone application.
5. The applicant has provided exhibits showing the entire lot or parcel to be included in the AEO zone.
6. A colored site plan including existing natural and built features and location of proposed dwellings, accessory dwellings, structures, and buildings has been provided. Height and Elevations: The type, character and proposed height of all dwellings, accessory dwellings, structures, and buildings. Demonstrate that the massing and building scale is appropriate for the location, and proposed height increases are appropriate for the area. Owner must build to the site plans, proposed aesthetics, and superior design characteristics for this AEO zone.
7. Layout, Materials and Design: Justification for the requested modified regulations, showing the owner's superior site layout, building materials, and design to compensate for the additional heights, dwellings, and uses contemplated in the proposed overlay zone.
8. Landscaping: Show where increased landscaping is proposed to enhance the design and reduce any negative impacts.
9. Utilities: Location of all utilities, underground utilities, transformer equipment, and fire hydrants.
10. Time Limitation: Building permits for construction within the Agriculture Estate Overlay Zone must be obtained within thirty-six (36) months. The applicant has prepared plans for the second single family residence and is ready to submit for plan review.

Planning Commissioners Comments/Questions:

Commissioner McMullin asked if 'Time Limitation' just a part of the overlay zone.

Mr. Messel responded that it is part of a code. He explained that generally we allow for extensions but not for someone who started it in 1940 to still have a building permit now.

The applicant Roger Barker approached the podium. He gave a little background on how they came to do a zone change and thanked everyone for their time. He provided that they are ready to build.

Chairman Opened the public hearing:

No one commented.

Chairman Closed the public hearing:

Mr. Messel added that in the Agricultural Overlay Zone code it states that architecture must complement the other structures on site and in this case it does.

Ms. Hales advised the Planning Commission that as part of the Agriculture Estate Overlay zone, they are approving the design as part of the zone change request because they have to provide superior design in order to get the Agricultural Estate Overlay. She explained



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that the Agricultural Estate Overlay is a permitted zone in the New Harmony Valley Overlay Zone, so they have two overlay zones that will apply to the property.

Commissioner McMullins asked about the colors in the rendering.

Commissioner Owens queried whether the existing home has tile roof also.

The applicant approached the podium again.

Mr. Barker responded that the existing home has a metal roof on it, the plans do show tile roof, however he said that they would be doing shingle roofs.

MOTION:

Commissioner Brandon Andersen moved to approve item #3 zone change from A-20 to AEO subject to staff recommendation and exhibits submitted. Commissioner Kevin Jones seconded the motion. All Commissioners voted in favor, the motion passed.

Mr. Messel explained to the applicant that the Planning Commission only recommends approval to the County Commission on zone changes. He explained that the item will need to go to the County Commission Meeting for as they are the land use authority on all zone changes and it will be put on their next available meeting.

5. **ZONE CHANGE (Public Hearing– Legislative):** Review a proposal for a zone change in the Leeds area. The property is located approximately at 950 S Red Cliffs Rd. Leeds UT 84746. Parcel 4046-A-1-HV, which totals 18.08 acres. The zoning designation is currently OST-20 (Open Space Transition 20-acre minimum lot size). The applicant is proposing a zone change to A-10 (Agricultural 10-acre minimum lot size). The purpose of the zone change is to bring the parcel into zoning compliance to enable the applicant to build a single-family residence on the property. The applicant is Curtis Graff.

Staff Report:

Mr. Messel reported that the applicant is requesting a zone change of parcel 4046-A-1-HV located in the unincorporated area of Washington County, near Leeds, Utah. The parcel is currently zoned OST-20 (Open Space Transition 20-acre minimum lot size). The applicant is proposing a zone change to the A-10 (Agricultural 10-acre minimum lot size) zone. The applicant is working to bring the parcel into zoning compliance for the purpose of building a single-family residence. The application for zone change is supported by proof of power, from Rocky Mountain Power, proof of water, from a shared well source owned by the applicant, fire protection from Hurricane Valley Fire, and septic feasibility from Ash Creek Special Service District.

Staff Report & Recommendation:

Staff has reviewed the requested zone change application for completeness and recommends that the Planning Commission hold the required public hearing and



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determine if it will send a positive or other recommendation to the County Commission regarding the zone change request from the OST-20 (Open Space Transition 20 acre minimum lot size) zone to the A-10 (Agricultural 10 acre minimum lot size) zone for Parcel 4046-A-1-HV located near Leeds, Utah.

1. The public hearing for the zone change request was properly noticed.
2. The public hearing was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
3. The applicant has submitted a complete application moving from a less dense, to a denser zone.
4. A non-buildable area of the parcel on the west side of Red Cliffs Road will remain non buildable with the proposed zone change.

Mr. Messel clarified more about the non-buildable area of the parcel that is on the other side of the road. He explained a subdivision would not be approved with a road going through a property. He said these are existing parcels with the road existing as it is, but by approving this, the County does not want create two parcels or two buildable lots. Thus, the point above regarding the non-buildable areas on the parcel across the road.

Ms. Hales added that the county has a very odd remnant problem throughout the unincorporated County. She voiced that as long as it is not making things worse, we move forward with the existing issues.

Planning Commissioners' Questions & Comments:

Chairman McMullin commented on the 'Will Serve' letter from the fire department and the need for a water pump to be installed or some kind of storage tank.

Mr. Graff agreed that he was aware of the requirements.

Chairman McMullin opened the public hearing.

No one commented.

Chairman McMullin closed the public hearing.

MOTION:

Commissioner Mark Owens motioned to recommend the approval of a zone change to the County Commission. Commissioner Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

6. **ROAD DEDICATION PLAT (Public Meeting – Administrative):** Review a proposal for a Road Dedication Plat in the Kolob area, which impacts a portion of Oak Valley Road. The property affected by this proposal is parcel 35-B-HV, consisting of 360 acres, which is



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approximately located at 1100 E 4200 N, Kolob UT 84767. The current zoning designation is OST-20 (Open Space Transition 20-acre minimum lot size). Zoning is not being adjusted with this application. The applicant is Kolob Land & Cattle.

Staff Report and Recommendation:

Mr. Messel provided that the property owner of parcel 35-B-HV is proposing to dedicate a portion of Oak Valley Road (FKA Kolob Drive Road) on in the Kolob area to Washington County. When the road was established, it was positioned in an undesirable location for the property owner. The property owner would like to reposition the road to a less impactful area of the property and rehabilitate the land where the road is currently located. To support the effort to realign the road, the applicant is also proposing to dedicate the road to Washington County.

Staff has reviewed the road dedication plat for Oak Valley Road and recommends the Planning Commission send a positive recommendation to the County Commission to approve the road dedication plat, based on the following findings and conditions:

1. The public meeting was held on August 12, 2025 in the regularly scheduled Planning Commission Meeting.
2. Moving the public roadway to a different location is beneficial to the impacted property owner and it will not affect public access.
3. The road dedication is beneficial for the public and to Washington County.
4. The proposal meets the County General Plan.
5. The proposal meets the applicable Washington County Codes.
6. The road dedication will be named Oak Valley Road.

Owner's Dedication language will be updated with language acceptable to Washington County. The final plat and mylar are subject to approval by the County and the County Attorney's office.

Mr. Todd Edwards (Public Works Director) approached the podium and provided the following points:

- Kolob does not have very many road dedications.
- This road has been used for years,
- Applicants have decided to realign a part of road for better use of their property
- As long as they build the road up to the same standard of the County road, we are in favor of this road dedication.
- County is always in favor of a road dedication instead of a road prescription, it allows us to make improvements or changes to the road within that right of way.
- This is a good thing for the County.



Chairman McMullin invited Ms. Hales to comment.

Ms. Hales commented that it is a prescription right road and County works with property owners all the time to put the road in an area that is compatible property and use so long as they keep it open to the public. She agreed that we are in favor of a public road dedication that we did not have prior to this.

Commissioner Jones wanted to clarify that the Planning Commission was not only approving the new proposed road but also the little section of existing road at the bottom of their property.

There was discussion of what exactly would be dedicated between Commission Jones, Ms. Hales and Mr. Messel. Ms. Hales clarified that the little section at the bottom will be dedicated at a later date.

Ms. Hales asked the applicants if they had any issues with how that was stated.

Applicants had no issue.

MOTION:

Commissioner Jones motioned to send a positive recommendation to the County Commission to approve the Oak Valley Road Dedication Plat with staff recommendations. Commissioner Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

7. **PARTIAL AMENDED PLAT (Public Meeting – Administrative):** Review a proposal for a Partial Amended Plat of the Ron Nelson subdivision, located in Pine Valley. The property is located approximately at 290 W Main St, Pine Valley UT 84781. Parcels affected by this application are RN-16 and RN-17. The current zoning designation is RE-20 (Residential Estate 20000 sq ft minimum lot size). Zoning is not being adjusted with this application. The applicants are proposing to combine the two lots. The applicant is Judyth Gillies.

Staff Report and Recommendation:

Mr. Messel explained that the applicant is proposing to partially amend the Ron Nelson subdivision plat. The applicant is proposing to combine two lots, making one larger lot. The combining of the two parcels will support the property owner's desire to build an accessory dwelling and apply for a Washington County business license if eligible. The new lot will remain zoning compliant with the RE-20 (Residential Estate 20,000 sq ft) zone. The proposed change has been reviewed and approved by JUD staff. There are no easements being affected by combining these two lots.

Staff have reviewed the amendment request for the Ron Nelson subdivision and recommend the Planning Commission as the land use authority hold the required public meeting to



consider approval of the partial amendment request based on the following findings and conditions:

1. The amended plat and public meeting were properly noticed.
2. The public meeting was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
3. The new lot configurations will meet the acreage requirement of the RE-20 (Residential Estate 20,000 sq ft minimum lot size) zone.
4. The amended plat will allow for more flexibility and enjoyment of the applicant's property.
5. No business license application is being considered at this amended plat stage.
6. No easements are being impacted by combining these two lots.
7. The applicant will have to verify the location of existing underground utilities and septic infrastructure before being granted a building permit.
8. The final plat and mylar are subject to approval by the County and the County Attorney's office.

Planning Commissioner Comments & Questions:

Commission Owen mentioned that the application of a home business license for a welding business would follow.

The applicants' son Eric was on zoom. He answered that that was the end goal and the first step was to go through this partial amendment.

Ms. Hales advised that this hearing does not address the issue of whether a welding shop would be a permitted use on this lots. She wanted the applicant to understand that.

The applicant answered that he did understand.

Commissioner Kelsch asked a question about RN-16 and whether that was an existing permitted building on that with septic at all.

Eric answered there are two outbuildings from a long time ago, there is no septic, power or water.

Commissioner Olivia Anderson asked about the Pine Valley Overlay Zone (PVOZ) and whether they had specific rules for ADUs or is anything different.

Mr. Messel answered with there are a lot of similarities between PVOZ and the New Harmony Overlay Zone (NHOZ). PVOZ has more recommendation rather than requirements, they use a more softer language compared to what was approved in the NHOZ. This is what the residents requested, they are allowed to have an accessory



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dwelling on the property by combining the two lot as it gives them more area for an accessory dwelling or an accessory building. He explained that an accessory building is not permitted on a property without an accessory dwelling and as we understand the applicant was building an accessory building on the south parcel that did not have a primary dwelling.

Ms. Hales explained that in this case, there was a building going up without a building permit. She stated that the building would not be permitted on a separate lot because there was no primary dwelling on that lot, so by combining two parcels, then the applicant would be able to build an accessory building, like a garage or something because there is an existing dwelling on the other lot. She further explained that if they combined the parcels they could legally build an accessory building.

Commissioner Gastons comments were not decipherable due to mic issues.

She explained that the applicant is trying to come into compliance so that he can continue building the accessory building, it is not an accessory dwelling.

MOTION:

Commissioner Owens motioned to approve the partial amendment for RN-16 and RN-17 subject to staff findings 1 - 8. Commissioner Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

8. **PARTIAL AMENDED PLAT (Public Meeting – Administrative):** Review a proposal for a Partial Amended Plat of the Dixie Deer Estates PH5 subdivision, located in Central. The property is located approximately at 375 N Butch Cassidy Cir, Central UT 84722. Parcels affected by this application are DDE-5-12 and DDE-5-13. The current zoning designation is FR-0.5 (Forest Residential 0.5 acre minimum lot size). Zoning is not being adjusted with this application. The applicant is proposing to combine the two lots. The applicant is Sally McNeil Blimling.

Staff Report and Recommendation:

Mr. Messel reported that the applicant is proposing to partially amend the Dixie Deer Estates PH5 subdivision plat. The applicant is proposing to combine two parcels, making one larger parcel. The parcels under consideration are DDE-5- 12 and DDE-5-13, which are currently zoned FR-0.5 (Forest Residential 0.5 acre minimum lot size). Combining the two parcels will enable future buyers an opportunity to build a home, as percolation has been difficult to achieve on the current parcel DDE-5-13. The proposed change has been reviewed and approved by JUD staff. The applicant will provide a 10' public utility easement on the front of the new lot. There are no other easements being affected by combining these two parcels. Both parcels are currently vacant.



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Staff have reviewed the amendment request for the Dixie Deer Estates PH5 subdivision and recommends the Planning Commission as the land use authority hold the required public meeting to consider approval of the partial amendment request based on the following findings and conditions:

1. The amended plat and public meeting were properly noticed.
2. The public meeting was held on August 12, 2025, in the regularly scheduled Planning Commission Meeting.
3. The new lot configurations will meet the acreage requirement of the FR-0.5 (Forest Residential 0.5 acre minimum lot size) zone.
4. The amended plat will allow for more flexibility and building options on the property.
5. The amended plat will provide a 10' PUE on the front of the new lot.
6. No other easements are being impacted by combining these two parcels.

The final plat and mylar are subject to approval by the County and the County Attorney's office.

Planning Commission Comments & Questions:

Commissioner Brandon Andersen pointed out that there is an easement on the east, but not an easement on the new plat.

Mr. Messel agreed with that comment and said that does need to be shown. He commended Commissioner Andersen on the catch.

Ms. Hales mentioned that from the JUD meeting it was learned that from the topography there was no way in on those. She furthermore stated that in particular the power company was interested in getting that front easement but we cannot vacate the easement without a public hearing, so it needs to go back.

MOTION:

Commissioner Brandon Andersen motioned to approve item eight along with staff findings and with the addition of adding the easement on the east side as per the original plat. Commissioner Kelsch seconded the motion. All Commissioners voted in favor, the motion passed.

9. **CONCEPT PLAN REVIEW (Public Meeting – Administrative):** Review a Concept Plan for a proposed Planned Development Commercial (PDC) / Planned Development Residential (PDR) in the Leeds area. The project is known as Silver Cliffs, which will encompass 53.23 acres. The parcels affected by this application are 3184-HV, zoned A-20, and 3282-J-HV and 3282-D-1-HV, which are zoned OST-20. The applicants are Babylon Lands, LLC and Silver Cliffs Annex, LLC.



Mr. Messel explained the first step in a PD is a concept plan review and he invited the applicant to the podium to describe the project.

The applicant approached the podium and introduced himself as Paul Morris and he is one of the managers of the project. He provided a description of the concept plan in the following points:

- Really important project for the community and region.
- Stake holders involved have a significant local government background and they care about public policy and doing quality projects.
- Key part of this is project is trying to do affordable housing, owner occupied and fit the niche of the 'missing middle'.
- No government entity is requiring them to do it, but they feel it is very important.
- Public service employees, restaurant managers and others like this should be able to afford a home.
- They are setting aside at least 100 of the townhomes and up to 17 of the estate lots and another 20 nearby, so a total of 137 owner-occupied affordable housing.
- He described them as having garages, nice facilities that are unaffordable at present.
- Bond process of getting that done is a little complicated but it is one of the most significant projects right now in the state of Utah.
- He can go into details but just wanted to provide an overview.
- A lot has been identified for a fire station with a sheriff's location next to it and they would assist in the bonding and financing of the fire station.
- He explained the first phase, which is located the unincorporated County, the lot next to it is in Leeds.
- A disconnection from Leeds was determined because Leeds does not have a mixed-use mechanism that works but the County does.
- Disconnection from Leeds is currently in process and phase two will be presented later.
- Phase one would have to stand alone for now until the disconnection is finished.
- He mentioned that a grocery store would also be one of the things that would need be there which is important for the community.
- Due to mic issues, I was unable to identify which commissioner asked the applicant a question or what the question was, but the applicant responded as follows:
- There are two different ways to do it under Utah and they are encouraging county's and city's:
- Have a governmental entity have a deed restriction for five years. He voiced he personally does not want to do it that way because after five years it is no longer "missing middle" – eg. that firefighter or schoolteacher can now flip it and take the equity after the five years. He voiced that he knows a few examples of where that has happened. He would like it to be permanent "missing middle". They are working with your community land trust which County Commissioners created.



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There are several hundred of those across the country.

- The idea of a community land trust which is a non-profit, that they own the lot and the project organizers would deed the lot to them. The person who owns the home, owns the home (their backyard, their house).
- Under the federal rules, they get a 30 year mortgage at the same exact interest rate as anybody else.
- They pay \$60 a month to rent the lot, when they want to sell three years from now they get equity, but the equity is at 3% a year, so they make some money but they are not going to be able to flip it because the sell price is below market.
- The next person on the waiting list goes to the community land trust, the next firefighter or teacher and they buy the house and get a 30 year mortgage and continues on. It is permanently for this group of people.
- Last year the AMI for this county was just over one hundred thousand dollars, one hundred thousand and forty.
- This project is catering for people that make seventy, eighty to one hundred thousand dollars a year.
- Estate lots are for those that make ninety thousand dollars to one hundred thousand.
- The town houses are for those that make seventy thousand, eighty thousand a year.
- He went over design, sizes of lots, sizes of home, two car garage that would normally be \$600,000.00 that is unaffordable.
- The governmental agency that would bond for a portion of the house (vertical construction) but if you do a tax-except bond, that could go to the vertical, which makes the mortgage less. You have a higher property tax, but you have a lower mortgage. Like getting a mortgage for forty years at 5%.
- Combine the two together, it all equals out to about four hundred and something thousand dollar home even though it is worth six hundred thousand dollars.

Commissioner McMullin asked if the County is collecting the higher tax.

The applicant responded that the entity would be collecting it, and it would go in to vertical construction. He furthermore explained that the way to think about it is the mortgage today is 6.75%, if a part of that house can be paid for at a mortgage of 5%, that is better than 6.75%. He went on to explain, that when you combine the two, the mortgage would be about two hundred and twenty thousand on a six hundred thousand dollar house. They would not have any PMI it would still be about one third of their income. It works out really well, math wise.

Commissioner McMullin asked about an HOA to maintain the properties.

Mr. Morrison provided that there will be a governmental entity - a public infrastructure district. They will not do an HOA. The homeowners will elect the board of the public infrastructure board, in lieu of an HOA and there is no extra HOA fee on top of that.



Commissioner McMullin asked if the roads will be dedicated or private.

Mr. Morrison answered that the roads are dedicated.

Mr. Messel asked that they go over the elements that are shown.

Adam Allan of American Consulting and Engineering approached the podium.

- Planned out that they have commercial, residential, neighborhood commercial.
- Includes the grocery store, gas station.
- Moving further away from the freeway, there are the homes.
- Town homes, garden homes, patio homes, two-story homes.

Mr. Messel pointed out that through the plan there is a little wash called the grapevine wash that goes through the property, that provided a separation from the units from Babylon Road. He explained that one of the things was that they wanted it to be more like a community and not be segregated off, in working with the applicants they are adding pedestrian bridge, the trail will tie into a neighborhood. It will be more of a feature than a blockade that separates the two types of housing.

Commissioner Jones asked about the 3% appreciation and what happens when the market or economy takes a dive and whether they are guaranteed appreciation.

Mr. Morrison responded that they will have the same issue as everyone else, they have a regular mortgage. He explained the combination is going to be 35% of their average income. He voiced that the whole point of doing this land trust is to keep it permanently for the 'missing middle'. He explained that they are taking the land out of the equation. This will prevent them from selling the house they are paying a two hundred twenty-thousand-dollar mortgage for at the current higher market value of six hundred thousand dollars.

He explained that they want to prioritize government employees, water conservancy district employees, the restaurant manager and others with similar income. He emphasized that there needs to be owner occupied housing.

Commissioner Jones shared that he lived in Hawaii and, they had sections where they only pay for the house and they leased the land for 99 years. He explained that they had to be of Hawaiian descent. He said that many middle class people were able to move there and create a good community.

Mr. Messel provided, this is not the only solution – it is just one of them. He shared that they have talked in the past about affordable housing and neighborhood commercial. He provided examples parking position and placement of buildings, commended them on their design and voiced that they have done a great job of it.



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Commissioner McMullin added to that and thinks it is great. He commended them on the neighborhood feel, he liked that there is an option of driving, walking or biking. He liked that they had the affordable housing option there as that is a difficult thing to do in this time and age.

Mr. Morrison was grateful for the comments and voiced that he hopes he can pull it off especially with the current interest rates.

Mr. Morrison explained that this was a ground lease, and there are no restrictions as to what they could do to the house. He voiced that he knows that Mr. Messel is on the board of the Community Land Trust, and that he is relying on them on how to do that. He found out that one of the things he discovered from the land about the fair housing act is that it allows one to discriminate based on where somebody works. He mentioned that he can prioritize government employees and other people. He provided an example of a school teacher not being able to afford housing.

Mr. Morrison replied that he is trying to start in November with the bonds process. He would like to have the zoning process completed with the County Commission in September, then right through subdivision, he commented that he is simultaneously trying to get out the bond market and get the waiting list. He thinks that he will have hundreds of people that would like to do that to show the bond people that there are people that are buyers.

Commissioner McMullin asked if that bond money is available to the developers to fast track things, as most developers do things based on sales. He asked how it works and his question is financed based.

Mr. Morrison responded that he thinks they will have a waiting list of more than 137, his goal is to have twice as many. He explained that the community land trust screen these people and they also work with the mortgage company that is part of the federal program. He said that they would start that screening process in September. He responded that his goal is to get funded for all 137 going forward.

Ms. Hales put through that she now understands why the developer is pushing for a development agreement as it sounds like they are on a fast track time line. She advised in our County there is a PID policy that requires them to come forward with it.

Mr. Morrison responded that they are not going to get a PID from the County.

Ms. Hales thanked the applicant for taking the PID off her plate as it saved her many hours.

The commissioners discussed Commissioner Brandon Andersen's strong sense of civic duty to serve on two boards.

Chairman McMullin commented that County Commissioner Gil Alquist just texted him to thank them for what they are doing.



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10. **MINUTES:** Consider approval of the minutes of the regular Planning Commission meetings held on July 8, 2025.

MOTION:

Commissioner Brandon Andersen motioned to recommend minutes for planning commission meeting held on July, 8th 2025. Commissioner Kevin Jones seconded the motion. All Commissioners voted in favor, the motion passed.

11. **COUNTY COMMISSION ACTION REVIEW:**

None to report.

12. **COMMISSION & STAFF REPORTS:**

Planning Commission Work Meeting – August 26, 2025 – 12:00pm – Conference Room 301, on the third floor of Washington County Administration Building.

13. **ADJOURNMENT**

Meeting adjourned at 4:02pm.

Sinalei Tutagalevao
Administrative Permits Assistant

Approved: