**IRON COUNTY, UTAH**

**IRON COUNTY PLANNING COMMISSION**

Minutes

**October 6, 2022**

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The Iron County Planning Commission (ICPC) held their regularly scheduled meeting Thursday, October 6, 2022 at 5:30 pm, in Room 1, Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Erick Cox

Craig Laub

Laine Sutherland

Michael Platt

Mark Halterman – Vice Chair

**Excused**

Alecia Jones

Roger Thomas

**Staff Present**

Reed Erickson Iron County Planner/Services Coordinator

Sam Woodall Iron County Deputy Attorney

Lester Ross Iron County Building Zoning Official

Rich Wilson Iron County Engineer

Merilee Wilson Iron County Administrative Assistant

Terry Palmer Iron County Building/Zoning Administrator

Chelsea Boxwell Iron County Building/Zoning Administrative Assistant

Paul Cozzens Iron County Commissioner

Mike Worthen Iron County Natural Resources

Marilyn Wood Iron County Commissioner

**Others present Representing**

Rex Sharp Self

Ruth & Paul Dominguez Self

Rex & Stacie Shipp Self

Jeff Kaiser Self

Kathy Kaiser Self

John Dalton Self

Jennifer Dalton Self

Molly Peterson Self

Michael Rice Self

Ryan Obray BZI

Burton S. Self

Jalyn Bertagnelli Self

Morgan S. Self

Gary Cutler Self

Andrea Rudder Self

Brent H. Self

Julie Norman Self

Janet Greenwell Self

Alan & Sonja Call Selves

Jeremy Laws Self

Ethel Harris Self & Husband

David Stonehouse Self

Cayce Stonehouse Self

David & Lois Melling Self

Kevin Bulloch Self

Melissa Bulloch Self

Matt Blair Self

Steffanie Bertagnolli Self

Rich Delhamer Self

Robert Comstock Self

Shawn Slaugh Self

Jordan Stapley Self

Abby Slaugh Self

Chere Doolin Self

Richard Jens Self

Hayden Hasten Self

Douglas Griffin Self

Nancy Dalton D9 Custom Cuts

Nancy Clark Self

Maddie Brown Self

Bill Haines Self

Dan Murnan Self

Brad Green APC

RueThella Laub Self

Debbie Slaugh Self

Brad Slaugh Self

Paula Milby Self

Stephanie Hill Self

Teresa Williams Self

Fuentes Selves

Linda Russo Self

Lewandowski Self

David Bertagnolli Self

Dallas Roberts Self

Will Arculabius Self

Carter Williams Self

Dan & Christine Fletcher Selves

Kelly Ashcroft Self

Andy Ashcroft Self

Emmett Steed Self

Jacob Miner Self

**CALL TO ORDER**

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Vice Chair Mark Halterman called the meeting to order at 5:40 pm
Pledge of Allegiance was led by Michael Platt

**2. PUBLIC COMMENTS** *–* Non-Agenda Items

Vice Chair Mark Halterman invited any Public Comments.

No Comments were made. Vice Chair Halterman closed Public Comments.

**3. ADMINISTRATIVE LAND USE PERMIT – “Contested Application”
(Expanded Home Occupation – Animal Slaughter and Meat Processing Facility)**

Addressed at 2576 W 4000 N, Cedar City, UT. Approximately 10.37 Acres within the SE¼ SW¼ Section 16, T35S, R11W, SLBM (APN: D-1198-0002-0000) *Applicants: Shawn & Abby Slaugh*

 **Review of Application:**

 Reed Erickson explained an “Expanded Home Occupation” is an allowed use in the R-½ zoning district with an Administrative Land Use Permit (ALUP). This ALUP is being contested so it comes before the Iron County Planning Commission (ICPC) to approve or not approve. Reed explained that there are two general types of Land Use Permits 1) Administrative permits (of which this ALUP is an example) are predetermined legislatively and usually allowed; and 2) Legislative permits are decided by elected officials with more discretion. The Procedures for review and determination (Code 17.38.030) were reviewed. Reed noted that the contested items must be related to items A, 1-7 and that items B, 1-7 are to help mitigate the contested items with conditions before approval of the ALUP. Therefore, the ICPC must determine if this ALUP is within the review guidelines and how the applicant must mitigate the identified impacts of the surrounding property owners. Reed shared the Table of Uses (Code 17.16.030) for various zoning which allow an expanded home occupation, as well as the expanded home occupations Code 17.36.280, which outlines what expanded home occupation means, noting that items A-K determine if the home occupation qualifies. Reed reviewed the following: Zoning Map of area (R ½, R1, & R5 in the immediate area), Road Maps both current and planned, Derby Ranch Subdivision 10-acre lots that are considered R½, Site Plan of the Proposed Facility, and Licensing Requirements for such a facility.

 **Review of Concerns and proposed Mitigation Measures:**

 Reed shared a summary of the feedback received regarding the facility. Supporters saw the need for this business. Reed noted that is not what we’re trying to decide tonight. Feedback regarding concerns included: Nuisance, Noise of additional animals, Increased traffic, Impacts to groundwater, Impact to neighboring property values, Larger numbers of animals and associated manure/waste, Neighborhood compatibility (residential), Adequate provision to correct problems that develop over time, How to keep the project from growing beyond what is approved. Regarding the concerns, Reed explained that R-½ zoning allows for 10 animal units (not 10 animals). Each type of animal has a different animal unit ratio. Reed reviewed the proposed conditions expected to mitigate the concerns, including 1) All slaughter and processing activity must occur within the project facility/building, 2) Slaughter wastes to be removed from facility/property within 24 hours, 3) Handling bins/trailers/etc. washed and sanitized as soon as practical, 4) Haul bins and trailer facilities to be stored inside the building, 5) Animal drop-off limited to 8:00 AM to 3:00 PM, Monday thru Friday, 6) Operating hours outside of the building limited to 7:00 AM to 7:00 PM Monday thru Friday, 7) Slaughter done on same day as drop-off – no overnight animal stays for slaughter animals,8) Total animals on property not to exceed 10 AU (animal units), 9) Total slaughtered animals not to exceed 10 animals per week, 10) No store front/retail sales associated with project business, 11) Separate septic system for slaughter/processing facility to be approved by SWUPH, 12)Manure handling requirements for holding pens to minimize odors, and 13) Gravel driveway and parking area to minimize dust and trackout.

Reed reread A7 of the Procedures for review and determination again to explain what the ICPC was actually determining tonight.

 **Planning Commission & Staff Discussion**

 Vice Chair Mark Halterman asked the ICPC if they had any comments. Erick Cox thanked everyone for the work on the ALUP and stated he believed there is a need for this business in the county. Craig Laub, coming from an agriculture background, says the business is truly needed in Iron County. He stated that currently livestock owners have to make a processing appointment well in advance of fattening their stock, rather than the other way around. Craig felt that Reed and Shawn have addressed the concerns well.

 **Public Comments:**

 Mark Halterman opened the public hearing for comment. Nancy Dalton (D9 Hudson Cuts) stated that the State inspectors truly monitor these facilities for compliance and anyone may call the state agriculture department with concerns and they will contact the business within 24 hours. Reed recommended that those with concerns start with the county to determine if the facility is in compliance with the permit. Also, that the county can review the concerns on an ongoing basis and adjust or revoke the permit. Mr. Wayne asked if this one facility will meet the need? Erick Cox responded that the county probably needs 5 more facilities. Laine Sutherland reminded the attendees that the ICPC is here to determine if mitigation will be met and wanted to hear what the main concerns were. Richard stated that he supports the facility, but smell and flies are his concerns. He asked if the mitigation is not working, will the county really address it? Shawn Slaugh, applicant, replied that the local inspectors are in the facilities all the time. He shared that he works in a shop in Monroe and knows how to meet the cleanliness requirement. Regarding the fly and pest infestation, Shawn explained that people aren’t concerned with range livestock range even though pests exist, but when it’s a meat shop, people think pests will increase. Shawn shared that he is willing to resolve any issues. Laine Sutherland asked if the shop will be air conditioned. Shawn responded that it will have an air conditioner and a full pull-through door. Paula Milby stated the owner is required by law to maintain the facility in a way that reduces pests in or on the property, which includes 24-hour waste removal and keeping the corrals maintained. Carter Wilkey asked where did the county come up with 10 animals per week. Reed explained10 is the number the applicant said he could kill each week and that he number needs to be small enough to be commensurate with the uses and impacts of the zoned area. Bill Hanes asked, with rains and flooding, where the runoff would go. His concern is because the facility is higher than his property. Jeff Keiser asked about septic systems being flooded noting that every 24 hours the septic system must be treated. Jeff asked who would monitor that. Shawn Slaugh replied the septic will be pumped on a regular basis (at least every few months) and that the service provider also adds bacteria to the system. Will Arculabius, Peak View Subdivision, shared his worry that the facility will bring down property values, and his worry that Peak View is downwind of the facility. He doesn’t think smell can be maintained and it will cause property value to go down. Will shared he thinks the applicant needs to find someplace further out west to build his facility. Robert Comstock, Peak View Subdivision, referred to #4 on the Procedures for review stating the use should be like other surrounding properties. Kerny Wood shared that a previous neighbor in this area was operating a kill plant for five years and it didn’t stop anyone from buying out there, and few people even knew it was there. Kerny stated that even though there are concerns, Shawn is doing more controls than the previous neighbor did. Kristine Fletcher shared her appreciation for the mitigation efforts being made, but noted that she lives next door to the previous shop location which was not permitted and stated the impact is real, like dust. Teresa Williams shared her support for Shawn stating he will stick to his word and that he is trying to do it the right way, and that he will work with the neighbors. Ben Hunter shared that Beaver has a slaughter house 100 yards from the creamy and they have no issues. Richard Jens stated that according to what Reed said earlier in the meeting, the facility is already legislatively ok, that the concerns must show a real issue, and that none have shown a good reason that the facility is detrimental. Julie Norman, Peak View Subdivision, stated that she moved in 9 months ago and thinks #4 on the review list is a valid reason why the facility can’t be there, noting that the wind does blow from the south directly to Peak View which will impact them, so she believes the location is not appropriate. Dave Stonehouse, the applicant’s next door neighbor, is a business owner and stated he supports the shop and Shawn fully. Regarding wind, Dave shared that the wind actually starts in Kanarraville and goes to Beaver, not just out where the applicant and neighbors live. He stated that the county needs ten more shops. Matthew Blair stated that Shawn will do all he can to mitigate concerns.

 Nancy Clark stated she went to Colorado to visit a business that slaughtered 1200 animals per day saying there were no smells outside of the building. She knows Shawn will keep it clean. Debbie Slaugh shared that Shawn was raised to be clean and conscientious and will attest to him being clean. Paula Milby pointed out that any person can put 100 sheep on any R ½ property and its legal. Bill Haines said HOA rules say no livestock allowed. Shawn replied he did not plan to have 100 sheep. Marilyn Wood asked how far the house was from the slaughter house. Shawn replied approximately 60 feet. Abby Slaugh, co-applicant, stated that she is very picky and doesn’t want smell at their house either. She encouraged the neighbors to talk to them if there is an issue. Delane Fuentes, Sunrise Meadows Subdivision, asked how many want their own animals processed that are in attendance tonight. An attendee expressed he does not want to take the applicant’s livelihood away, and if the mitigation is addressed all should be ok, but was concerned if there was enough redress if mitigation was not met. He asked if there were enough legalities involved and enough dedicated staff to make sure issues are dealt with. If so, then he’s ok. Linda Russo, Peak View Subdivision, stated future homes will be next to the end of Slaugh’s property so now that everyone knows about this facility, they will have to share that with future buyers when they plan to sell so that’s how she feels it brings down the value.. Another attendee wanted to know how many more facilities will be allowed and in what neighborhoods. Jordan Stapley declared that he knows Shawn, and that he will do everything needed to comply, but reminded the attendees that this is a farm town. Matt Blair asked that the ICPC consider all who have lived here for a while. Laine Sutherland asked if anyone had any concerns about 6a, b, or c as these are the only items that would show a detriment to the area. No further comments were made.

 **Public Comments Closed:**

 Mark Halterman closed the public hearing.

 **Planning Commission Action (Approve or not approve ALUP):**

 **Motion:** Craig Laub made a motion to approve the ALUP for the Expanded Home Occupation – Animal Slaughter and Meat Processing Facility.

 **Second:** Seconded by Erick Cox.

 **Motion passed by unanimous vote:** (Voting: Erick Cox, aye; Craig Laub, aye; Laine Sutherland, aye; Michael Platt, aye;

 Mark Halterman, aye)

**4. ZONE CHANGE APPLICATION – A-20 to C (0.45 Acres)**

Addressed at approximately 3437 E Hwy 14, Cedar City, Utah. Approximately 0.45 acres located within the NW¼ SE¼ Section 21, T36S, R10W, SLB&M, Iron County, UT (APN: D-0247-0005-0000).
*Applicant: Jeremy Laws*

**Staff Introduction:**

Reed Erickson showed the location of the applicant’s parcel located up Cedar Canyon where most properties are zoned A-20. The applicant would like to have a small store, noting this meets the requirements for the commercial zoning district. Reed noted the public services available and that a public restroom is not required by the health department. Jeremy Laws added that the health department allows a portable toilet that must be cleaned two times a week noting that potentially he may need a septic system in the future. Jeremy said the store is for the small trailers and travelers in the area to be able to purchase goods.

**Public Hearing:**

 Public Hearing: Vice Chair Mark Halterman declared the public hearing open for the Zone Change Application from A-20 to C.

**Public Comments:**

 No comments were made.

**Public Hearing Closed:**

 Vice Chair Mark Halterman declared the public hearing closed.

**Planning Commission & Staff Discussion:**

Erick Cox asked if UDOT had been talked to about the project. Jeremy Laws said they had and that he has put in drainage

boxes which use a separate driveway where the trees are cleared, so it is flat, also noting the house has a 12” culvert. Erick expressed his concerns about potential accidents and drainage issues. Jeremy responded that the water would all be caught by his or another catch basin stating there have been no issues since it was put in 2 years ago. Reed explained that there were no protests received for this application.

 **Planning Commission Action – Recommendation to County Commission**

 **Motion:** Erick Cox made a motion to recommend to the County Commission the zone change from A-20 to Commercial.

 **Second:** Seconded by Michael Platt.

 **Motion passed by unanimous vote:** (Voting: Erick Cox, aye; Craig Laub, aye; Laine Sutherland, aye; Michael Platt, aye;

 Mark Halterman, aye)

**5. MASTER DEVELOPMENT PLAN REVIEW – Commerce Crossroads Logistics Park**Located at approximately 1800 N & Iron Springs Road Cedar City, Utah. Approximately 820.90 acres located within Sections 33, 34 & 35, T35S, R12W, SLB&M, Iron County, UT (APN: E-0144-0004-0000). *Applicants: Iron Apex LLC & Iron Farms LLC*

 **Staff Introduction:**

 Reed Erickson explained that the property has been rezoned and shared the site plans noting Phase 1 is near the railway and Light Industrial is near Iron Springs Road. The plan showed the location of future buildings and roads in between them, noting the less impactful businesses would be near Iron Springs Road. Ryan Obray shared that APEX is working on the location of the main entrance and a conditional use permit will be forthcoming for the trans-load area so they can take about 60 rail cars a week. Ryan explained they are currently cutting an access road to the back of the area for construction purposes only, by using the driveway of the existing house. Ryan announced the Open House is Monday October 10th at 4:15 pm. Reed shared maps and the development plan and future steps of the project and the work being done to analyze the roads and future roads in the area. A question was asked if Bridal Path Subdivision homeowners received notices of the development. Reed explained that only those who share a common boundary to the property received notices. He showed where the existing rail was and the new rail would be so they could move cars into the yard so goods could be loaded and unloaded. A question was asked if it would be a 24/7 operation, and Terry Palmer explained it would be determined through the CUP process. A question was asked about what businesses would be coming. Ryan answered that it would depend on who wanted to purchase the lots and what they wanted to manufacture. Concerns about traffic, noise, and Iron Springs Road were expressed. Ryan explained that the maximum number of rail cars is expected to be around 60 per week. Reed shared the county’s master transportation plan showing proposed roads that will help with traffic issues, specifically the belt route. Reed discussed the study being done regarding additional development that will determine current needs and future plans. A question was asked about water, power, and sewer. Reed explained the Water Conservancy District is extending a line and are putting in a new tank along Iron Springs Road, and that the sewer line was being extended from 2400 North and ties into 4500 West. Another attendee asked about plowing, and stated she also wants details about what businesses will be allowed. Reed stated that light industrial businesses will be closer to the Iron Springs Road. Brad Green stated that the railroad has always been important to Iron County and industrial growth is expected. Reed showed the county zoning map noting the gray area is zoned for industrial. Ryan explained the county will have to work with any company coming in to the Logistics Park and will be required to do a CUP. An attendee asked if there was a way to preserve the dark sky. Reed answered that yes, there is a requirement of downward direction and minimalized lighting. Concerns were shared by attendees about the roads. Reed shared that Kimley-Horn is currently doing a study of the belt route and connecting roads so all of that will be taken into consideration. Marilyn Wood is concerned about Iron Springs Road and said the county is working on lobbying the legislature for funding to improve the road.

 **Planning Commission & Staff Discussion:**

 Michael Platt noted that he will not be voting on this project moving forward since he is involved with developer professionally.
 No other comments were made.

 No action was taken. This was an informational item only.

**6.** **DEVELOPMENT REGULATIONS FOR FLOOD AREAS – “Quichapa Lake Area”**Additions to Chapter 15.12 – Flood Damage Prevention

 **Staff Introduction:**

 Reed Erickson stated this was on the agenda to give people an opportunity to ask questions, and that property owners for the

 Quichapa area may be notified before the next meeting. The Public Hearing is anticipated for November 3, 2022

 **Planning Commission & Staff Discussion:**

 No comments were made.

**7. IRON COUNTY TRANSPORTATION PLAN UPDATE – Continued Discussion**Review Study zones 5 & 6 (West of West View Drive to Bumblebee Road)

**Staff Introduction/Review Zones 5 & 6:**

Richard Wilson shared the map showing the zones for the discussions and noted that GIS mapper, Kendal Allan is creating an interactive map so that we can produce better maps. Rich asked the planning commissioners to look closely at what was being proposed for the master transportation plan in zones 5 and 6 and give suggestions on the road proposals.

 **Planning Commission & Staff Discussion:**

Erick Cox shared he was grateful for the work to organize the zones and identify them on the map.

**8. MINUTES**… approve minutes of September 1, 2022 meeting.

 **Motion**: Erick Cox made a motion to approve the ICPC Minutes from September 1, 2022.

**Second:** Seconded by Craig Laub.
**Motion passed by unanimous vote:** (Voting: Erick Cox, aye; Craig Laub, aye; Laine Sutherland, aye; Michael Platt, aye;

 Mark Halterman, aye)

**9. STAFF REPORTS:**

**Building Department:** Terry Palmer stated they are still very busy. Terry discussed lighting requirements that the county has to help reduce light pollution.

 **County Planner/Special Services Coordinator:** Reed expressed his thanks to all who attended and shared their concerns.  **10. ADJOURNMENT:**

Vice Chair Mark Halterman adjourned the meeting at 7:44 pm.

Minutes Approved November 3, 2022 by the Iron County Planning Commission