

**IRON COUNTY, UTAH**  
**IRON COUNTY PLANNING COMMISSION**  
MINUTES  
**March 2, 2023**

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The Iron County Planning Commission held their regularly scheduled meeting Thursday, March 2, 2023 at 5:30 pm, in Room 1, Cedar City Festival Hall – located at 105 North 100 East, Cedar City, Utah.

**Members Present**

Roger Thomas  
Erick Cox  
Mark Halterman  
Craig Laub

**Excused**

Michael Platt  
Laine Sutherland

**Staff Present**

Reed Erickson	Iron County Planner/Services Coordinator
Mike Worthen	Iron County Natural Resource Management Specialist
Sam Woodall	Iron County Deputy Attorney
Terri Palmer	Iron County Building Official
Rich Wilson	Iron County Engineer
Merilee Wilson	Iron County Engineering Assistant

**Others Present**

Paul Cozzens  
Jon Whittaker  
Tom Brown  
Nancy Brown  
Julie Winkel  
James Moore  
Arlo Fawson  
Paul Ashdown  
Frank Nichols  
Adam Urquidez  
Rob Buchanan  
Clayton Neilson  
Nancy Dalton  
Jared Christensen

**Representing**

Iron County Commissioner  
Iron County Clerk  
Rainbow Ranchos  
Rainbow Ranchos  
Rainbow Ranchos  
Rainbow Ranchos  
Go Civil Engineering  
Self  
Self  
Utah Iron LLC  
Self  
LR Neilson/Eldon Ashdown Living Trust  
Paragonah Planning & Zoning  
Newcastle Water

**CALL TO ORDER**

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Roger Thomas called the meeting to order at 5:30.  
Pledge of allegiance was led by Erick Cox.

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

Chair Thomas invited any Public Comments.  
No comments were made.  
Chair Thomas closed Public Comments.

**3. ZONE CHANGE APPLICATION – A-20 to LI (28.52 Acres)**

Addressed at approximately 3394 S Old Highway 91 Cedar City, UT – located within the NE¼ NW¼ Section 1, T37S, R12W, SLBM – (parcel # E-0256-0005-0000). Applicant: CR National LLC/Anna Slingland.

**Introduction:**

Reed Erickson introduced the project as follows:

- The applicant was previously approved for a CUP for Light Industrial use (making storage sheds – light industrial use).

- The applicant desires to split the lot into 2 lots which requires a zone change so they are eligible to subdivide because of size.
- The applicant will apply for a subdivision change at a future ICPC meeting.
- The property is located south of Hamilton Fort and north of the Kanarrville interchange.
- The surrounding property includes 3 sides of A-20 plus the west side is R-1/2.
- The point of access is off Old Hwy 91, so they don't have to use 5100 West.
- The applicant would like to expand the business to continue to do the same types of work.
- Services available include: Private well, Sewer (5-acre min.), Fire flow/suppression by UWUI and building code, Transportation corridors on Old Hwy 91 & 5100 West, Drainage, Power, Gas, & Communications in the area.

**Public Hearing:**

Chair Thomas reviewed the considerations for a public hearing and declared the public hearing open for the above Zone Change.

**Public Comments:**

- Tom Brown shared concerns regarding the businesses use of 5100 West as egress and ingress with no gate and a culvert, lack of proper fire protection, lack of compliance of previous requirements, painting being done outside not within building, drainage ditch filled so flow has changed.
- James Moore, Hamilton Fort/Rainbow Ranchos Water board, shared concern that the business owners don't have sufficient water for fire suppression since they are supposed to only use the business's own well water.
- Nancy Brown stated the applicant was supposed to add gravel to improve the Old Hwy 91 entrance and to reduce dust, but only a small amount was added. She'd like the field fence repaired that is falling down to increase privacy.
- Chair Thomas advised them to work with building and zoning to share compliance concerns.

**Close Public Hearing:**

Chair Thomas declared the public hearing closed.

**Planning Commission & Staff Discussion:**

- Chair Thomas asked for clarification regarding the current Zone Change application and existing CUP compliance issues.
  - \* Reed responded the compliance issues should be addressed with building and zoning separately.
  - \* Sam responded noting the criteria does not limit the applicant from applying for this Zone Change but recommended that building and zoning address the compliance issues.
- Reed clarified that the proposed property is near the interstate and is a good use for light industrial/commercial zoning, but the applicant would need to comply with building code and fire suppression issues.
- Sam noted the ICPC must use their discretion regarding neighbors' concerns about use of residential water for fire protection.
- Reed explained that a hydrant may be used by firefighter to suppress any fire in the area.
- Chair Thomas clarified that the neighbors may have recourse if they are hooking into a neighbor's water to the businesses use.
- Erick shared his concern about the business maintaining the road and Reed clarified that would be handled as a separate process with compliance of the CUP.
- Reed clarified that A-20 is less restrictive than Light Industrial.
- The ICPC reviewed the CUP application and the considerations specifically addressing building and zoning for water requirements.

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

**Motion:** Erick Cox made a motion for approval to recommend the Zone Change with a modification that staff address the compliance issues regarding the current CUP the applicant has.

**Second:** Seconded by Craig Laub.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**Additional information regarding rezoning and current CUP:**

- Terry Palmer wondered about the property being rezoned, if the current CUP stays with the property.
- Reed noted he would like that to be evaluated by the staff.

**4. ROAD DEDICATION SUBDIVISION – Portion of 4000 N and 4400 W**

Located near 4100 W on 4000 N to approximately 4300 N on 4400 W, Cedar City, UT - Approximately 66 & 75 feet ROW within the SW¼ of Section 18 & the NW¼ of Section 19, T35S, R11W, SLBM (parcels # D-0602-0004-0000, D-0602-0001-0003, D-0602-0001-0004, D-0602-0001-0006, D-0602-0001-0002, D-0602-0001-0000, D-0602-0001-0005, D-0602-0001-0010 & D-0602-0001-0009). Applicant: James Barlow.

**Introduction:**

Reed Erickson explained the following:

- The property is located near 4100 West on 4000 North near the proposed belt route.
- Two reasons for doing this process are:
  - 1) The property proposed to be split by a minor subdivision must be on a dedicated county road.
  - 2) The original subdivision was never recorded, but the road was created. The county previously agreed to take over the roads once it was 50% filled, which it is. Now, the ICPC needs to address the agreement.
- Using the process of creating a road dedication subdivision rather than a traditional subdivision will create a clean path forward, establish the correct rights of way, and dedicates it to the county.
- Since the road is in reasonable good shape, the applicant will fix any current issues to bring the road to county standard, and then the county will maintain it.

Rich Wilson shared:

- The county no longer has the 50% occupancy rule. Now, when a county road standard is met the county takes over.
- Kimley Horn who is contracted to study the belt route will give additional suggestions for the road intersection.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

No comments were made.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion**

The following requirements were reviewed by the ICPC members and staff:

- Utility improvements will not be a part of this road dedication subdivision and will be deferred until the subdivision is processed.
- The road dedication parcel currently falls within the Ra-20l zone with a gravel road standard.
- Road dedication subdivision approval – procedure 16.22.120.

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

**Motion:** Mark Halterman made a motion to recommend approval for the road dedication subdivision to the County Commission.

**Second:** Seconded by Erick Cox.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**5. MINOR SUBDIVISION – Minor Subdivision “Lot 5, Block C, Cedar View Estates” (45.43 Acres)**

Located at approximately 4200 N 4400 W, Cedar City, Utah – within the SE¼ of Section 13, T35S, R12W, & the SW¼ of Section 18, T35S, R11W, SLBM (parcel # D-0602-0004-0000). Applicant: James Barlow.

**Introduction:**

Reed Erickson shared the following:

- The previous agenda item is connected to this application.
- Services available include: Water letter of feasibility provided by CICWCD, Septic, Fire flow/suppression provided by CICWCD when connected (UWUI), Access routes on 4000 N / 4000 N / 4400 W, Drainage to maintain flows.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

No comments were made.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

Discussion confirmed that the minimum lot size is 20-acres, that all standards have been met, and a new access will need to be created for the second lot.

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

**Motion:** Craig Laub made a motion to recommend approval for the minor subdivision to the County Commission.

**Second:** Seconded by Mark Halterman.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

## 6. PRELIMINARY SUBDIVISION PLAT – Harker Industrial Subdivision

Addressed at approximately 6500 W 200 S, Cedar City, UT - approximately 38.89 acres located within the N½ NW¼ of Section 15, T36S, R12W, SLBM – (parcel # E-0176-0004-0000).

### Introduction:

Reed Erickson shared the following:

- Arlo Fawson from Go Civil Engineering is in attendance representing the applicant James Harker
- The purpose is to divide one 40-acre parcel into two parcels (19.45 & 19.44 acres).
- Located near 6500 W 200 S, Cedar City.
- Located outside of Cedar City Tier II boundary.
- Rezoned approximately 6 months ago to Light Industrial.
- Applicant will improve and dedicate the road as part of this subdivision process.
- This road will be discussed as part of the county transportation plan to possibly extend over to 6900 West.
- Services available include: Well, Septic, Fire flow/suppression (UWUI and Building Code), Transportation corridors on Hwy 56 & 200 South, Drainage to maintain flows, Power, Gas, Communications available in the area.
- This is preliminary plat, so the applicant will have to come back with final plans and a bond before they can improve the property.

Erick Cox shared that Matt Rhodes, with UDOT, is happy with the road plan and understands there will be a future study done when there are enough lots to warrant the study.

### Public Hearing:

Chair Thomas opened the public hearing and invited comments.

### Public Comments:

No comments were made.

### Close Public Hearing:

Chair Thomas closed the public hearing.

### Planning Commission & Staff Discussion:

None.

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

**Motion:** Erick Cox made a motion to recommend approval to the county commission of the preliminary industrial subdivision.

**Second:** Seconded by Craig Laub.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

## 7. IRON COUNTY RESOURCE MANAGEMENT PLAN – Proposed amendments to be incorporated into the Iron County General Plan related to Utah Legislative requirements including: Public Land Access, Renewable Energy, Mining, Pipeline Infrastructure and Utility Corridors

### Introduction:

Reed Erickson gave an overview of the legislative requirements:

- Requirement of the legislature that each county update their resource management plan as part of a general plan update.
- There are 3 areas the county will update and 2 that are new to the plan:
  - \* Public Land Access (update)
  - \* Energy Resources (update)
  - \* Mining & Minerals Resources (update)
  - \* Pipelines & Transmission (new)
  - \* Utility Corridors (new)

Mike Worthen, Iron County Natural Resource Manager, shared the following details:

- In 2015 the legislature drafted a bill that required each county to draft a resource management plan with the purpose to develop a planning process for the county to address public land issues with the Forest Service and BLM.
- This requires that the Forest Service and BLM must consider the county plans when doing their planning.
- Last year's legislature passed HB160 that requires each county plan be updated in 3 areas, plus they added 2 more.
- The Public Lands office gave the county assistance to accomplish each plan for each element which needs to go to the planning commission and county commission for approval. The elements are as follows:
  - \* **Land Access**
    - The purpose is to insure access to public land through private lands.

- The Interim Transportation Map shows every road in the county including livestock trails. The white roads on the map shown are RS2477 roads which were built to cross private land to get to public lands.
- The state made an effort to dispose those individuals who used any roads before they passed away including where, how, and why they used them, as part of the RS2477 filing.
- The state identified easements, prescriptive road statues and other ways to keep the road open for public use.
- Policies are the basics of the Land Access section of the plan.
- BLM is required to work with counties regarding the RS2477 statute, but the Forest Service is exempt.
- \* **Energy Resources**
  - The county identified critical energy resources that will be important to the county going forward.
- \* **Mining and Minerals**
  - The state identified 33 critical minerals and how to protect them within the state.
  - Iron county does not have any except maybe some tin.
  - The state is protecting oil, gas, coal, and iron because they don't want them to be locked up like the "wilderness" was by the federal government.
  - The policy will oppose any special designations so land is available for mining.
- \* **Pipeline & Transmission Line**
  - To be used to convey high voltage electricity from point "a" to point "b" (major electrical lines and pipelines are identified).
  - Dominion Energy created a map showing where the lines will go so the county can recognize that the lines do go through our county including gas lines.
  - The plan is designed to make sure citizens have access to that infrastructure.
  - Solar is encouraged. BLM did a study to reduce the number of restrictions, but only 3 areas exist in Iron county were identified and there has not been any interest due to BLM regulations.
- \* **Utility Corridors**
  - Land set aside to convey raw or processed materials and for placement of energy (power, petroleum, water, and telecommunication lines) which identifies how they get into the county.
  - Iron county has 2 hydroelectric plants in the county--Parowan and Paragonah.
  - The plan encourages broadband use within the utility corridors to reach outer areas as well.

Reed thanked and complimented Mike for his time and effort to watch out for the public interests.

Mike clarified that the state statute was created to address maintaining public access across private lands to public lands. If the road has been open to the public, even though it is on private land, for 10 years or more then it is a public access road. If it is less than 10 years, it has unimpeded public access it may be closed off to the public.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

No comments were made.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

The ICPC members praised and thanked Mike for his work.

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

**Motion:** Craig Laub made a motion to recommend approval to the county commission the updated Resource Management Plan.

**Second:** Seconded by Erick Cox.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**8. IRON COUNTY SEPTIC TANK DENSITY ANALYSIS – Proposed amendments to Ordinance 205, Exhibit A (Rules and regulations to implement Tier II policies), related to septic system densities for lands in Tier II & Tier III, Iron County General Plan. Four specific study areas: Newcastle, Summit, Paragonah/Parowan & Kanarraville**

**Introduction:**

Reed Erickson reviewed the following regarding the Septic Tank Density Analysis study:

- The ICPC and staff previously stated they are ready to implement the new requirements and how it would affect each of the four community areas involved.
- The geological survey study determined how many septic systems there are in the 4 areas and what the base level nitrate was.
- Nitrate levels are not the only concern, but it is a good way to measure and track data.

- Using a mass balance study, the survey determined what the appropriate number of septic systems should be based on the allowable nitrate levels.
- The study results for each area were reviewed again to understand their content and what they mean regarding nitrate levels and the number of septic systems.
- Previous discussions concluded a proposed 3.5 mg/l nitrate level for each of the 4 municipalities.
- After reviewing what the data meant, the staff discussed reducing the study acreage in each area which would reduce the requirement threshold. After tonight's meeting, the data will be reframed to a smaller area.
  - \* For Example, in Newcastle's case the following things were recognized, such as:
    - The study area included 3540 acres so could possibly reduce the study area to reduce the acreage per system.
    - Shrinking down the Tier III area.
    - The number of lots in the Painted Hills Subdivision that have not been filled (approx. 130 of the existing 364 parcels available for building in the study area).
    - The number and size of existing lots, the likelihood of developing, the rate of growth, where the wells are, and where the water sources are.
- The county Staff recommends the following:
  - \* Going with 3.5 mg/l nitrate in each of the 4 study areas.
  - \* Recognizing all existing legal lots of record as buildable.
  - \* Using a smaller study area which would reduce the requirement threshold.
  - \* If a property owner has 20 or more acres, they would be allowed to divide the lots into:
    - 10-acre minimum in Newcastle, Kanarraville, and Summit.
    - 5-acre minimum for Parowan/Paragonah.
  - \* Not treating this as a long-term solution, but rather an interim step to grant as much property rights to property owners while balancing that with the knowledge gained from the study so ground water is not contaminated.
  - \* Creating a plan for central sewer in some or all of these areas is a more permanent solution.
- General recommendations from the staff also include:
  - \* Tier II & III boundary amendments and zone changes based on area and zoning in the 4 areas.
  - \* Work toward creation of sewer district(s) that could do studies and make recommendations.
  - \* Continue testing nitrate levels at 5 to 10 year intervals and adjust as needed based on the findings.
  - \* Encourage municipalities to all adopt the same density requirements since underground water knows no political boundaries.

Reed reviewed policy change recommendations / rules for Ordinance 205--Policy for Tier II and Tier III Development:

- This would not change the 5-acre minimum across the board for Cedar City, Enoch, Parowan/Paragonah, and Brian Head, make a 10-acre lot requirement for Tier II in Kanarraville. Summit and Newcastle are Tier III so any new lots would have a 10-acre lot minimum requirement.
- This would change annexation, pre-annexation agreements, plus water and sewer. Municipalities would be asked to also have some restrictions regarding lot sizes and densities for septic.
- This would recognize each existing "legal lot of record" to be eligible for legal septic systems within Tier II & Tier III areas, regardless of size.
- The next step would be to change Tier zoning.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

- Steven Christensen, Newcastle, shared his concerns that changes to the proposed changes will cause him to lose potential building lots, specifically parcels zoned R5 and R1/2, that the large undeveloped subdivision affects all the rest of the area, and that he has family owned property that he wanted to subdivide for family and now won't be able to if policy is changed.
- Chair Thomas reviewed that this is a temporary solution until a sewer district is established and central sewer can be developed.
- Nancy Dalton, Paragonah, clarified that the number of current legal lots has the ability to have 1 septic per lot so then if the lot is already 5 acres or 1 acre they will still have access to septic. She feels if the current plan goes into place, property owners won't be able to subdivide.
- Reed shared that Enoch shut down 2 wells and that the contamination levels are rising in those areas. Also that the question is not "if" the wells are contaminated but "when" so plans need to be put in place.
- Jared Christensen, Newcastle Water Company, asked for clarification on the number allowed systems verses additional homes per lot. Also, the manure dump from the dairy will override the septic issues.

- Reed noted that a small percentage of property owners build a second home on their property. Also, the dairy is considering a digester system and would have less contaminants.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

The planning commissioners and staff discussed the following:

- Mark Halterman clarified with Jared that his concern is that the dairy has a better chance of contaminating the water in a shorter amount of time than septic waste from houses.
- Erick Cox confirmed with Terry Palmer that the number of building permits within the Newcastle study area in the last 5 years is estimated at 15-20.
- Paul Cozzens confirmed with Jared that he was maxed out on the number of building permits because he has to do a redundant water system to which Jared replied yes, but they are working on fixing that problem.
- Rich emphasized the importance of starting steps to create a sewer district with funding available for rural communities.
- Craig Laub emphasized the need to set up the sewer district as soon as possible either as a county-wide district or in different areas, which would need to be explored.
- When asked, Mike Worthen stated that the Iron County Natural Resources plan does not address this issue because it is not directly related to public lands.
- Erick Cox is in favor of making a decision, but is open to different ideas of how to proceed so it is fair to all such as current lots verses new lots.
- Sam Woodall responded to Rich's questions regarding the implications in identifying currently eligible lots verses first come first serve, stating that both options have implications so following county ordinance is the most important.
- Reed expressed concerns that first come first serve would hurt those that have existing legal lots or an approved subdivision.
- Paul Cozzens shared how underground water studies show water underground is in lakes, streams, and rivers just like they are above ground and that it is difficult to tell where the water actually comes from.
- Reed noted that the septic density study was not as intricate as that, but was affordable, effective, and informative.
- Chair Thomas and Erick expressed that regardless of the decision made someone will feel the impact of the decision.
- Reed confirmed to Chair Thomas that their action/recommendation could include future plans for sewer districts.
- Mark Halterman stated that the purpose is not to limit a property owner's ability to pass down land to their children, rather to look forward and try to minimize the impacts of the information available.
- Chair Thomas noted that the waste management technology is improving constantly and options will be available that a sewer district can explore.

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

**Motion:** Mark Halterman made a motion to recommend to the county commission the recommendations made by the staff regarding Ordinance 205.

**Second:** Seconded by Craig Laub

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**7. PROPOSED INDUSTRIAL PROTECTION AREA – Comstock Industrial Protection Area (UCA 17.41)**

Approximately 25,000 acres located within Sections 19 - 21 & 28 - 32, T35S, R12W; Sections 25, 35 & 36, T35S, R13W; Sections 1, 2, 7 - 11, 17 - 20 & 29 - 32, T36S, R13W; Sections 25 - 28 & 33 - 36, T36S, R14W; and Sections 1 - 3, T37S, R14W; SLB&M, Iron County, UT, Cedar City, UT

**Introduction:**

Reed Erickson gave an overview of the following:

- Utah Iron – Cedar City Iron Mines originally proposed the creation of an industrial protected area for their properties owned in part or in whole by Utah Iron, LLC, for a total of 6,738 acres.
- The Staff met and determined it would be beneficial to include some adjacent and in-fill properties totaling approximately 23,000 acres.
- Nearly all of the chosen properties are currently zoned Industrial with a few zoned A-20 (which allows for “Industrial” uses)
- There are 3 types of protection areas: Agriculture, Industrial, and Critical Infrastructure
- What the proposed Industrial Protection is and what it is not.:
  - \* Not a zoning change, rather a protection that does not affect current zoning.
  - \* Benefits of Protection area not exclusive to Utah iron (all receive benefits).
  - \* Opting out is easy now and in the future. By submitting a petition, they shall be removed.

- \* Opting in is the same process as creating a new area and is more difficult than opting out.
- State Code Provision, Title 17, Chapter 41, details the process to create a protection area, including:
  - \* Part 1 Definitions
  - \* Part 2 Advisory Boards
  - \* Part 3 Proposal and Approval of Protection Area (including processes to improve an area)
    - Section 303 Review of proposal for creation of protection area.
    - Section 305 Criteria to be applied in evaluating a proposal for the creation of a protection area
  - \* Part 4 Protection of Land in a Protection Area (including surrounding area considerations)
    - Section 402 Limitation on local regulations.
    - Section 403 Nuisances.
  - \* Part 5 Vested Mining Use
- Undivided Interest / Tenancy in Common ownership (What does it mean and who gets to decide?)
  - \* "An undivided interest refers to a co-ownership scenario whereby each owner owns a percentage share in the property"
  - \* "Tenants in common have an equal right to possess and use the entire property"
  - \* "The land itself is a single undivided parcel and every owner has an equal right to enjoy the entire property. However, despite having an equal right to enjoy the property, each owner only owns a percentage share in the property"
- Review of Map of Proposed Comstock Industrial Protection Area. Legend indicates the following:
  - \* Green = 100%, Single Owner
  - \* Blue = Undivided Interest, Multiple Owners
  - \* White = Undivided Interest, BLM, or State Trust Lands.
- The full Application Process includes the following steps:
  - \* Application is submitted.
  - \* Notice of proposal for creation of protection area:
    - Utah Public Notice Website.
    - Posting at five public places at or near the property.
    - Mailing to each land owner within 1000' of proposed area.
  - \* Review of proposal for creation of protection area by the:
    - Advisory Board Recommendation which they approved on February 16, 2023.
    - Planning Commission Recommendation
  - \* Objections and proposed modifications.
  - \* Second notice including recommendations of Advisory Board and Planning Commission.
  - \* Public Hearing at County Legislative Body (County Commission).
  - \* Legislative body shall approve, modify and approve, or reject the proposal.
  - \* Protection area recorded.
  - \* .
- Section 17-41-305 Criteria Evaluation and Results include:
  - \* Current industrial use = Yes
  - \* Zoned industrial use = Yes
  - \* Viable for industrial use = Yes
  - \* Extent of existing or proposed improvements = Yes, has existing and potential additional infrastructure.
  - \* Anticipated trends = Yes, with current technological advancements.
  - \* Limits types of industrial activities allowed = Yes, Utah Iron Desires to continue with current activities.
- Considerations used to determine who was included in the proposed area and why they were or not left in:
  - \* If already zoned Industrial.
  - \* The owner has the ability to ask to be removed.
  - \* If property was being centrally assessed by the state.
- Property Owners within the proposed area who have a 100% ownership who requested and were excluded:
  - \* Duluth & Utah Iron Mining Co
  - \* McCahill Limited Partnership
  - \* Placer No. 4 Partners, LLC
  - \* Fiddler's Canyon LLC
  - \* F&C Pitts LLC
  - \* Harold G. Jensen
- Property owners within the proposed area who have an Undivided Interest who requested to be excluded, but were not since other owners requested in:



- \* McCahill Limited Partnership
- \* Fiddler's Canyon LLC
- \* MBM Land LLC
- \* Philip Milner
- Property Owners who objected and are outside of the proposed protection area:
  - \* Linda L Hunt
  - \* Neil Worthington
  - \* Marie Zaphiropoulos
  - \* Philip Milner (20 owners on single parcel)
  - \* Susan martin Construction LLC (opposed to "rezoning")
  - \* Keith Gilbert
- ICPC to determine the following:
  - \* If the proposal is still viable.
  - \* If the proposal is a "good use" going forward.
  - \* If the county policies are still relevant.
  - \* If the advisory board's recommendation (after reviewing State Code 17-41, Section 305) to approve, is valid.
  - \* If the proposal meets all the criteria reviewed in State Code 17-41, Section 303 (2) (a) (i though v).

**Planning Commission & Staff Discussion:**

Discussion Included the following:

- The 3 major points of the protection area are that it:
  - \* Limits a zoning change and that 99% are zoned industrial, the rest are zoned A-20.
  - \* Limits the nuisance claims.
  - \* Requires any new subdivision within 1000 feet of the protection to include a disclaimer on the plat.
- Owners of mining claims that opted out may not fully understand the benefits of the protection area or could possibly have something to do with sales of property or having different plans for the property.
- A biased assumption is when someone assumes property value is going up or down without a property appraisal.
- In an effort to plan for the future, the county staff recommends the larger area since industry is likely to increase in the area, industry will be more attracted to come to the area, and it will help the businesses to move forward more easily.
- Planning and policy are important for growth.
- Any property owner with 100% ownership may opt out of the protection area at any time. If multiple owners, it must be agreed to by all.
- The current uses of the property are not stopped by this proposal, and allows them to know that the rules won't change mid-stream.
- Nuisance issues are managed only when a complaint is made and a review is done by county officials following Ordinance 17-41-403—Nuisances.

Adam Urquidez and Rob Buchanan, representing Utah Iron shared the following:

- The driving force for this protection area is that Utah Iron wants to maintain the ability to move forward with confidence from a planning and economic development standpoint.
- Having the protection area helps Utah Iron feel more comfortable to purchase adjacent land to expand knowing the zoning won't change. Also, it removes the risk for business investments that are not contiguous to come to the area with expectations that are not realistic (such as residential next to a gravel pit).
- Having this protection makes it possible to obtain state and federal funds.
- Utah Iron's interest is for their 6700 acres, but agreed to help the county by including up to 23,000 acres in the proposal.
- Utah Iron is not requesting to do anything different than they are already doing.
- Utah Iron has local and federal standards to follow and must submit reports showing compliance.
- Being part of the protection area would help newcomers in surrounding areas because it will be recorded on their plat and they won't be blindsided.

Frank Nichols expressed the following:

- Support for the protection for Utah Iron, but not for the whole proposed area.
- Opposition for the additional area to be included.
- A planning group should be created for the area.
- His request to be removed from the area is to avoid government adding more regulations.

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

**Motion:** Craig Laub made a motion to recommend to the county commission the Industrial Protection area after modifications

made of those who opted not to be included and owned 100% of the property.

**Second:** Seconded by Erick Cox.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**Next steps include:**

- Posting and new letter notifications regarding the next public hearing.
- Public Hearing at County Commission March 27, 2023.
- Decision at County Commission meeting will determine future steps.

## 8. ANNEXATION REVIEW – CREATING AN ISLAND OR PENINSULA

Proposed annexation into Cedar City Corp., approximately 41.7 acres located within the NE¼ of Section 1 & the NW¼ & NE¼ of Section 6, T36S, R12W, SLBM (D-0927-0002-0000). *Applicant: Eldon Ashdown Living Trust*

### Introduction:

Reed Erickson introduced the proposed annexation:

- The applicant's representative is Clayton Nelson, for the Eldon Ashdown Living Trust.
- The property is a long and narrow, 41.7 acres, at approximately 4200 West and 1200 North, west of Cedar City.
- The applicant is requesting annexation to get access to water and to subdivide.
- The parcel is currently within an existing peninsula so it is not creating a new one, rather helping reduce the size of the existing one.
- The annexation evaluation process includes reviewing:
  - \* Eligibility
  - \* Roads and access
  - \* Services – who & where (current and future)
  - \* Impacts to remaining properties for annexation/development
  - \* Land Use compatibility
  - \* Pre-annexation agreement
  - \* Municipal hindrances
- The staff's review found no issues to accepting the annexation.

### Planning Commission & Staff Discussion:

Chair Thomas voiced his support of the proposed annexation.

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

**Motion:** Mark Halterman made a motion to recommend that the county commission approve the annexation into Cedar City Corp.

**Second:** Seconded by Craig Laub.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

## 9. ANNEXATION REVIEW – CREATING AN ISLAND OR PENINSULA

Proposed annexation into Parowan City, approximately 1.16 acres located within the SW¼ of Section 14, T34S, R9W, SLBM (C-0954-0002-0000). *Applicant: Bauer Road, LLC*

### Introduction:

Reed Erickson shared the following regarding the proposed annexation:

- The property is 1.16 acres and located at approximately 200 South and 900 West, Parowan (where old Ace Hardware used to be).
- The property meets all the annexation criteria.

### Planning Commission & Staff Discussion:

None

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

**Motion:** Erick Cox made a motion to recommend that the county commission approve the annexation into Parowan City.

**Second:** Seconded by Mark Halterman.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

## 10. IRON COUNTY TRANSPORTATION PLAN UPDATE – Public Hearing & Continued Discussion

Review and Discuss Study Area 5 & 6 (5 – North of Hwy 56 and West of Cedar Valley Belt Route and 6 – Northwest of Hwy 56 and Iron Springs Rd)

**Update:**

Reed Erickson shared that Areas 7 and 9 were approved by the County Commission at the February 28<sup>th</sup> meeting. Due to time constraints Areas 5 and 6 will be discussed at the ICPC meeting scheduled for April 6<sup>th</sup>.

**11. OPEN MEETINGS LAW TRAINING**

Deputy Attorney Sam Woodall – required annual training

Due to time constraints the training has been moved to the May 5<sup>th</sup> ICPC meeting.

**12. MINUTES...** approve minutes of January 19 and February 2, 2023 meetings.

**Motion:** Erick Cox made a motion to approve the January 19 and February 2, 2023 meeting minutes.

**Second:** Seconded by Mark Halterman.

**Motion passed by unanimous vote:** (Voting: Roger Thomas, aye; Erick Cox, aye; Mark Halterman, aye; Craig Laub, aye)

**13. STAFF REPORTS...** A. Building Department      B. County Attorney      C. Planner/Services Coordinator

Due to time constraints no reports were given.

**14. ADJOURN**

Chair Thomas declared the meeting adjourned at 8: 50 pm.

Minutes Approved April 6, 2023 by the Iron County Planning Commission



Signed

4/6/2023

Date