

IRON COUNTY, UTAH
IRON COUNTY PLANNING COMMISSION
MINUTES
April 6, 2023

~~~~~

The Iron County Planning Commission held their regularly scheduled meeting Thursday, April 6, 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, Chair  
Mark Halterman, Vice-Chair  
Erick Cox  
Craig Laub  
Laine Sutherland  
Michael Platt

**Staff Present**

|                 |                                          |
|-----------------|------------------------------------------|
| Reed Erickson   | Iron County Planner/Services Coordinator |
| Terry Palmer    | Iron County Building Official            |
| Chelsea Boxwell | Iron County Building/Zoning              |
| Rich Wilson     | Iron County Engineer                     |
| Merilee Wilson  | Iron County Engineering Assistant        |

**Others Present**

Deanne Twitchell  
Marsha Snow  
Boyd Hansen  
Linford Nelson  
Dan Roberts  
David Clarke  
Linford Nelson  
Dallas Buckner  
Carl Palmer  
Robert B. Platt  
Bonnie Perkins  
Marilyn Wood  
Paul Cozzens

**Representing**

Self  
Self  
Self  
Self  
Self  
Dusty Pulsipher  
Self  
Linford Nelson & Brent Carter  
Self  
Platt & Platt  
Self  
Iron County Commissioner  
Iron County Commissioner

**CALL TO ORDER**

**1. WELCOME AND PLEDGE OF ALLEGIANCE**

Chair Roger Thomas called the meeting to order at 5:30 pm.  
The Pledge of allegiance was led by Michael Platt.

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

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

**3. CONDITIONAL USE PERMIT APPLICATION – “Contractor Shop/Office” (Welding Shop)** Addressed at 9 East Highway 56, Beryl, UT – approximately 0.66 acres located within the SW¼ SW¼ Section 33, T35S, R16W, SLB&M, Iron County, UT (APN: E-1387-0000-0000). *Applicant: Red Mountain Steel, LLC, Michelle Schimbeck*

**Introduction:**

Reed Erickson shared the following regarding the application:

- Located at the Beryl intersection and SR 56.

- Zoned commercial.
- The properties to the south, north, and east are also zoned commercial.
- The property to the west is zoned A-20.
- The CUP is required for the contractor's office/shop on the property, when the main work is done offsite.
- Located on .66 acres.
- Services available include:
  - \* Water from private well.
  - \* Sewer by septic.
  - \* Fire suppression by WUI and building code.
  - \* Transportation corridors on SR 56 & Beryl Hwy with good parking and surfacing.
  - \* Drainage to maintain historic flows and locations for entry and exit.

**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**

- Discussions included proposed use within a Commercial Zone vs. Light Industrial:
  - \* None of the surrounding property owners have replied to the CUP application notice.
  - \* The property is zoned commercial use. A Contractor office/shop is an allowed use with a CUP on a property zoned commercial, but the ICPC needs to review it to see if there are any issues to mitigate.
- Discussion included welding inside vs. outside:
  - \* Chair Thomas and Craig Laub both recommended the welding occur indoors.
  - \* Erick Cox and Laine Sutherland suggested it is safer outside so welders are not breathing fumes. Also, that it is safe for others if the "flash" is 50 yards away.
  - \* Reed noted that any outside activity would not be on the side of the school. Also, that the existing and intended access is off of Beryl Hwy.
- The ICPC reviewed the CUP Findings (Section 17.18.050).

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

**Motion:** Mark Halterman made a motion to approve the CUP for the Contractor Shop/Office based on the review of the findings by the ICPC and that they are in conformance.

**Second:** Seconded by Laine Sutherland.

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

**4. CONDITIONAL USE PERMIT APPLICATION – “Ag Products Processing & Storage” (Digester System)**

Addressed near 1400 W Center St, Newcastle, UT – approximately 426.52 acres located within the SW¼ Section 18, T36S, R15W, SLB&M, Iron County, UT (APN: E-1066-0003-0000). *Applicant: Bar V Holdings, LLC, c/o Jared Holt*

**Introduction:**

Reed Erickson shared the following:

- The staff reviewed and felt this is a good step to help minimize the impacts of the dairy.
- Kimball Holt, representing the applicant, is in attendance to answer questions.
- The project location is west southwest of Newcastle.
- The intent and purpose of the proposed project is to capture gases, reduce emission and odors, and to help generate electricity.
- Required permitting is done through State DEQ.
- Ground well monitoring systems are currently in place and with the digester system it would minimize the impacts.
- This CUP does not fit into the power plant definition, but does fit in agriculture use of waste and identified as “Agriculture Products Processing and Storage”. The CUP was amended in 2012, 2019, and now in 2023.
- The digester system would be located northwest of the current lagoon system.
- Services/Utilities include:
  - \* Water from private well
  - \* Digester Sewer Treatment – Biogas power generation

- \* Fire suppression by WUI and bldg. code
- \* Transportation corridors – 1200 W and 300 S
- \* Drainage to maintain historic flows and locations for entry and exit
- \* Power generation to go into the grid
- When asked about nitrates and gases, Kimball Holt stated the theory behind this process is that it fixes the nitrate issues by pulling it into the plants to minimize levels.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

- Mr. Holt described the process as being very basic just like what is going on in your stomach by keeping oxygen out. Capturing the product helps with odors and nutrient fixation. The process keeps the manure in a holding cell for 30 days where natural methane is created. Gas rises to the top, which is sealed, and then goes into engines where it is burned off.
- Craig Laub clarified that this is trapped gas instead of evaporation and asked about sledge manure.
- Mr. Holt explained the design is to have 2 cells side by side so if one gets full, the other can be used. Solids are supposed to go out the end and run through an existing processor so they shouldn't fill up.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

- Reed clarified that none of the adjacent property owners responded to notice of the CUP application. Also, that these types of digester systems are common throughout the country and seem to be effective.
- Roger clarified the applicant will have to comply with the State DEQ requirements and abide with county building and zoning requirements.
- The ICPC reviewed the CUP Findings (Section 17.18.050).

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

**Motion:** Craig Laub made a motion to approve the amended CUP for Agriculture Products and Storage based on the review of the findings by the ICPC and that they are in conformance.

**Second:** Seconded by Erick Cox.

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

**5. CONDITIONAL USE PERMIT APPLICATION – “Surface Mining” (Rock Screening & Crushing)**

Addressed near 6401 W 4000 S Cedar City, UT – approximately 551.29.0 acres located within the E½ Section 10, T37S, R12W, SLB&M, Iron County, UT (APN: E-0275-0002-0000). *Applicant: Escalante Farms, LLC, Jared Holt*

**Introduction:**

Reed Erickson stated the following regarding the proposed CUP for Surface Mining:

- The proposed use fits within the framework of the CUP for surface mining, although it is not a typical mining operation.
- Instead of excavating onsite, the rock will be brought from off-site to be screened and crushed.
- The property is located south of 4000 S (Vanderberghe Rd) at approximately 6401 W.
- Properties on 3 sides are zoned A-20 and the north side is RA-20.
- The parcel is approximately 551 acres and currently has no mining. The crushed rock will be taken off-site except for some that will be used for the farming pivot areas on the property.
- Conditions include crushing up to 4 times per year, up to 4 weeks at a time, which is the limit set in the CUP.
- Conditions regarding fuel tanks, berms and separation distance are also part of the CUP conditions.
- There will be no permanent structures.
- Chelsea Boxwell clarified that the time condition could be continuous up to 4 months which will be clarified in the CUP.
- The operation times are limited to 7am – 7pm which is different than a normal permit which is usually until 11pm.
- Houses in the area are approximately 100+ feet away from the surface mine.
- Laine Sutherland shared his concern that a surface mine can be very noisy.

**Public Hearing:**

Chair Thomas opened the public hearing and invited comments.

**Public Comments:**

- Deanne Twitchell shared she has excavator/building experience so she understands the noise issues, but she is concerned about how the road will withstand the truck weight, and where the rock is coming from.

- Chelsea Boxwell clarified the rock is coming from the Milford area. After crushing, it will be delivered to the Vegas Raceway. The by-product will be used for the Holt's roads and pivots.
- Marilyn Wood asked for clarification about the truck traffic and any CUP conditions regarding road.
- Reed noted that CUP item #10 states track out must be minimized, that the road is a county road so it is open to public use, trucks would travel east to I-15.
- Marsha Vandenberghe Snow is concerned about the pot hole near the stop sign by Sinclair, going toward the freeway. She has reported it to multiple people and nothing has been done. Marilyn Wood offered to follow up on the pot hole repair.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

- Regarding road capacity and traffic, the following was discussed:
  - \* Rich reported that he and Bruce Anderson had discussed the option for a snow fence.
  - \* Rich Wilson noted the road issues are not a problem with the road's ability to handle traffic, but the amount of snow this year, including drifting snow, settled and stayed on road so the chip seal is breaking up. Also, if the road is ever paved it will be a lesser issue so if traffic consistently increases the county will review the numbers and re-evaluate.
  - \* Chelsea Boxwell stated the road will have heavy use at the beginning, but should lessen through the next year and future years.
  - \* Rich Wilson will talk to the applicant about item #10 on CUP to help them meet county standards during the encroachment permit process.
  - \* The ICPC reviewed the CUP Findings (Section 17.18.050).

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

**Motion:** Mike Platt made a motion to approve the Surface Mining CUP based on the findings reviewed by the ICPC and that they are in conformance.

**Second:** Seconded by Mark Halterman.

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

**6. ZONE CHANGE APPLICATION – “A-20 to RR-20” (218.88 Acres)**

**MINOR SUBDIVISION (Seasonal Subdivision) – “Horse Creek Ranch” – 7 lots (142.80 Acres)** Addressed at approximately 4200 S Black Mountain Road Cedar City, UT – located within the E½ of Section 8, T37S, R10W, SLBM – (APN: D-0293-0298-0001). *Applicant: Linford Nelson*

**Introduction:**

Reed Erickson presented the following regarding the proposed Zone Change and Seasonal Minor Subdivision:

- Under this agenda item, there are 2 components for the same project; a zone change application and a minor subdivision application.
- Linford Nelson is the applicant and is present to answer any questions.
- The property is approximately 218 acres. Of that, 142 acres would be subdivided into 7, 20-acre lots along the north portion of the property only. The minimum lot size is 20 acres.
- Located off of Cedar Mountain on Black Mountain Road (also known as South Mountain Road).
- The proposed zone change is from A-20 to RR-20 (Residential Recreation).
- Surrounding properties are zoned A-20.
- Services available and to be provided include:
  - \* Water hauling
  - \* Septic
  - \* Fire flow/suppression by UWUI and building permits including fire mitigation and a pond.
  - \* Transportation corridors are Right Hand and Cedar Mountain Rd to Black Mountain/Urie Creek Rd.
  - \* Drainage to maintain history flows of entry and exit points.
  - \* No power, gas, or communication in the area.
- Residential Recreation Means:

The residential recreation district (RR-20) was created to provide seasonal housing choices to meet the needs of the recreational second home owner looking for a limited access housing opportunity. This district is intended for well-designed recreational housing second homes that do not have year-round access because of limitations on road maintenance and snow removal. These areas are usually limited by minimal service availability (e.g. power, water, fire

protection or other emergency services, etc.) and provide for water hauling to meet potable water needs. Subdivision roads within this district are generally private access roads and driveways built to a smaller width than typical county roads and are accessible in the summer only.

- This ordinance was created several years ago for mountain property owners to be able to divide property more easily and to reduce the impact on the mountain by removing typical county road standard requirements.
- The Public Health Department is worried about water hauling and septic issues. The county is working with them to resolve their concerns. If there are any changes made, the ordinance might have to be amended for future proposed seasonal subdivisions.
- Building and Zoning does require an approved septic system before building may begin.
- The building envelope on each lot shows where on the property the steep slopes are located and where there are buildable areas on the property.
- Each lot is 20 acres, with some lots having property on both sides of Black Mountain Road. The road is a public road by use and allows all 7 property owners to use the road to access their property
- One adjacent owner along the west side of the property sent a letter about old fences and where property lines are located. In this case the application does comply with the ordinance due to the survey and a title report which shows the applicant as the owner.
- On mountain property development, fire suppression is a concern. Fire suppression is required in the ordinance which provides for multiple ways to comply. The state fire marshal does an extensive review of the property to determine fire risks associated with the slope and vegetation type and to evaluate how high the fire risk is. The county has tried to come up with a formula to making a payment in lieu of fire suppression requirement, but no decision of how much could be determined.
- Because a formula could not be determined, the fire marshal now prefers a vegetation management plan which the applicant has done which includes thinning up the trees, and complies with WUI standards.
- The property south of the proposed subdivision now has a pond that can be used for fire suppression as well.
- Water hauling is allowed for subdivisions with 7 or less units.

When asked, Rich explained the road easement may limit the opportunity for future growth. A 66-foot ROW exists so it does not contend with road requirements and allows the creation of 20-acre parcels. Plus, it has an additional 15' utility easement on each side of the road.

This will allow for future growth.

Dallas Buckner shared the following:

- The subdivision first started design in 2018. Brent Carter was the surveyor and Dallas created the zone change map.
- He recently attended a county sketch meeting so he included the comments made on the map for this project including the 66-foot access. These items should address adjacent property owner concerns, and believes the requirements have been met.
- Mr. Nelson arranged for a boundary survey of the property in 2012 and again it was surveyed in 2018. He has title insurance provided with the application, and he has paid taxes for the time he has owned the property so he feels confident with the boundary.

#### **Public Hearing:**

Chair Thomas opened the public hearing.

#### **Public Comments:**

- Bonnie Perkins shared her concerns about the road going through someone's property, creating small acre lots, her family owning property to the fence rather than the survey, cabins being built on what they consider their property, the gate to their property no longer being considered on their property, where sheep grazers will be allowed to go since they rely on the income, and the importance of the property to their family and heritage, and maintaining the beauty without too many cabins.
- Carl Palmer questioned, the commissioners and staff responded as follows:
  - \* RR-20 vs A-20: RR-20 does not change the allowed number of dwellings. A 7 lot subdivision allows 1 main dwelling and up to 3 accessory dwellings (which may be habitable).  
Recreational use subdivisions do allow not having to have full services since it is for part-time occupation only.  
A-20 zoned property may be heavier agriculture uses and only 4 lots in a subdivision. To get a seasonal subdivision approved it must be zoned RR-20, may be 7 lots, and only used 180 days per year.  
Regarding fence lines, the planning commission recognizes what is shown on public records. If there is a land dispute, the planning commission is not the correct body to make a determination, it would need to be handled as a civil matter. The planning commission goes off surveys, so if state law allows fence lines to be used as property lines, the owners would need to agree or take the matter to court.

Regarding property above Urie Creek into Cedar Creek having septic tanks, the health department would do those studies and assessments and would have to permit a septic system. Linford did do a percolation test for each lot.

- Boyd Hansen shared the following:
  - \* He is representing the land trust who is not opposed to the proposed subdivision.
  - \* The land owners have always considered the fence along the road to be the property line, and he believes the Utah Law of Acquiescence allows that to be considered, regardless of what a survey shows.
  - \* He requested the subdivision be tabled until the legality of that property line is determined.
- Dallas Buckner added that he believes the only way to get a ruling is to take it to court. Mr. Nelson would like to move forward so he provided surveys and title insurance.
- Mr. Nelson explained:
  - \* The project has been in planning for 3 years and will be an asset to the county. When it was started the tax base was approximate \$100,000 per year and now may be \$168,000 per year.
  - \* The pond has water and would serve his property as well as adjacent owner's property. Trucks cannot get in, but helicopters can.
  - \* Nobody likes to see change on the mountain, but this would be an asset to the county and neighborhood.
- Carl Palmer added that:
  - \* He has tried to get fire insurance, but cannot because the fire trucks can't get there due to the location. Even though the area is 99% aspen trees which are not as flammable.
  - \* He would like this discussion to be continued and not see a recommendation tonight so issues can be resolved.
- Commissioner Wood shared that she is learning a lot by going through this process and will be able to help others understand recreational areas and the roads in these area.
- Chair Thomas explained that the ICPC can only make a decision based on the county ordinances. Also, that he is sympathetic to the concerns, but the planning commission determination does not include boundary issues.
- Regarding questions about county records being different than what is surveyed now, Dallas Buckner noted that Horrocks Engineering surveyed the boundaries in 2012 and he used that survey to create the zone map. Also, he noted that the deed is written the way the zoning is shown.
- Laine Sutherland clarified with the ICPC that taxes are being paid on what is recorded as the legal description, not on a survey or the fence line. He believed that Mr. Nelson is probably paying on the parcels that the adjacent owners are disputing.
- Reed clarified this type of seasonal subdivision could not occur anywhere in the county, just in the mountain areas.
- Marilyn Wood shared that sometimes in the past fences were moved to allow roadways so fence lines may not actually be at the edge of the property.
- Reed, per Chair Thomas' request, displayed the parcel locator map to show what the county shows as Linford's property. Reed clarified that a judge would determine the lot boundary if it went to court and the county would have to follow.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion:**

**Disclosures:**

- Chair Thomas disclosed that Linford Nelson stopped by his office, brought a letter for him to read, and shared the same info that was shared tonight.
- Mike Platt stated that he received a letter as well, but didn't have time to read it.

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

**Zone Change:** A-20 to RR-20 (Approve, Approve with modifications, Deny or Continue)

**Motion:** Mike Plat made a motion to recommend to the county commission to approve the zone change from A-20 to RR-20.

**Second:** Seconded by Craig Laub.

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

**Minor Subdivision:** 7 lots (Approve, Approve with modifications, Deny or Continue)

**Motion:** Mike Platt made a motion to recommend approval of the subdivision based on the county records and noted the decision is conditional on the county commission's decision regarding the zone change.

**Second:** Seconded by Laine Sutherland.

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

**7. ZONE CHANGE APPLICATION – “A-20 to RR-20” (80.29 Acres)**

**MINOR SUBDIVISION (Seasonal Subdivision) – “Dusty Pulsipher Minor Subdivision” – 4 lots (80.29 Acres)**

Located near 10,500 E Freemont Canyon Road, Paragonah, UT – within the N½ NW¼ of Section 15, T31S, R6W, SLBM – (APN: C-0036-0007-0000). *Applicant: Dusty Pulsipher*

**Introduction:**

Reed Erickson introduced the project as follows:

- Under this agenda item, there are 2 components for the same project; a zone change application and a minor subdivision application.
- The location is in the northeast corner of the county.
- The parcel was previously owned by SITLA.
- Dave Clark is in attendance representing Dusty Pulsipher. He is willing to answer any questions.
- The surrounding properties are all zoned A-20.
- Recently, the owner moved a lot line so the adjacent property could use the improvements they made outside of their own lot line.
- Current ROW's include a 66-foot road ROW and 15-foot utility easement of each side of the ROW.
- The applicant has agreed to grant an easement to surrounding owner(s) for access to their property.
- The six miles of Fremont Canyon Road from I-15 to this property is maintained by the county.
- The application is requesting A-20 to RR-20 to allow for seasonal subdivision with minimal access and services available to be used up to 180 days per year.
- The owners may access a well or haul water.

**Public Hearing:**

Chair Thomas opened the public hearing.

**Public Comments:**

- Dan Roberts shared the following:
  - \* Before SITLA, the property was BLM (approximately 25 years ago).
  - \* Dan normally receives notices for the 5 owners of the property, but he never received any info from SITLA or BLM about the trade.
  - \* He had an agreement with BLM that the left corner of the property was theirs. Now that SITLA owns it, the agreement no longer exists.
  - \* He and the other owners want to buy the left corner lot that he believed he really owned with BLM and he already has a fence there. The Pulsipher's want to build his own house there. Dan feels they will be too close for a non-family neighbor.

**Close Public Hearing:**

Chair Thomas closed the public hearing.

**Planning Commission & Staff Discussion regarding the Zone Change:**

The ICPC reviewed the considerations for re-zoning property.

**Disclosure:** Mike Plat shared his company was involved in this project design, but he did not work on so he would participate in the voting.

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

**Zone Change:** A-20 to RR-20 (Approve, Approve with modifications, Deny or Continue)

**Motion:** Erick Cox made a motion to recommend to the county commission to approve the zone change as it complies with the considerations for a re-zoning.

**Second:** Seconded by Mark Halterman.

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

**Planning Commission & Staff Discussion regarding the Seasonal Subdivision:**

- Reed shared:
  - \* Referencing County Code Section 16.20.130, a maximum density minor seasonal subdivision may only have 4 lots given the acreage of this subdivision. The lots may be different sizes.
  - \* The applicant would like a variation stating no perimeter fencing required on the property.
  - \* He recommends the plat include notes about fire prevention and safety and livestock trails.
  - \* A building envelope still needs to be identified for each lot, which identifies steep and non-buildable areas.
- Roger asked Dan if he would want his property fenced to which Dan replied that the small triangle line is fenced.
- Dave Clark stated a fire meeting was held and it was determined a vegetable plan would not need to be done prior to approval.

- Reed noted the fire info would need to be lined out before receiving a building permit, and a plan would need to be approved for the subdivision now.
- Craig Laub clarified the road is a public road that goes through the property and that it will be open to public access.

**Minor Subdivision:** 4 lots (Approve, Approve with modifications, Deny or Continue)

**Motion:** Erick Cox made a motion to recommend approval to the county commission as a maximum density seasonal minor subdivision with the fencing variation noting it is conditional on the county commission's approval of the zone change.

**Second:** Seconded by Craig Laub.

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

**Request:** Chair Thomas asked Commissioner's Wood and Cozzens to talk to the legislature about SITLA sharing ownership changes to adjacent property owners.

## 8. MINOR SUBDIVISION – “Gentry Minor Subdivision” – 2 lots (65 Acres)

Located near 1900 S 1000 E, Beryl, UT – within the S½ NW¼ of Section 10, T36S, R16W, SLBM – (APNs: E-1404-0006-0000 & E-1404-0008-0000). *Applicant: Escalante Farms, LLC – c/o Jared Holt*

### Introduction:

Reed Erickson shared the following regarding the proposed Gentry Minor Subdivision:

- The location is southeast of Beryl at 1000 E and 2000 S.
- Both 1000 E and 2000 S are maintained by the county.
- The lots were agricultural splits so they weren't eligible for building permits or subdivision so they are in the process of creating these as legal lots of record so they are subdividing for the minor subdivision to create a 20-acre lot and a 40-acre lot.
- Available services include:
  - \* Water by well.
  - \* Septic.
  - \* Fire flow/suppression provided by irrigation, wells, and UWUI.
  - \* Access routes are from SR 56 and SR 18 via 1000 E and 2000 S.
  - \* Drainage to maintain historic flows and locations.
- Future to provide farm employee housing which would include 7 homes on one water system. One lot could have 1 main and 3 guest homes and the other could have 1 main and 2 guest homes.

### 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 review 16.20.130 – Minor subdivision approval procedures and found no variations and that they are in conformance with the ordinance.

### Planning Commission Action – Recommendation to County Commission:

**Motion:** Craig Laub made a motion to recommend to the county commission to approve the Minor Subdivision as it conforms to the county ordinance.

**Second:** Seconded by Mark Halterman.

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

## 9. ZONE CHANGE APPLICATION – “A-20 to RA-20” (210 Acres)

### PRELIMINARY SUBDIVISION – “Oak Valley Estates Preliminary Subdivision” – 7 lots (160 Acres)

Located near 1200 S Old Highway 91, Kanarraville, Utah. Approximately 160 acres located within Section 4, T38S, R12W, SLBM – (APNs: E-0394-0027-0000, E-0396-0000-0000 & E-0394-0002-0000). *Applicant: BHM, LLC - c/o Todd Myers*

### Introduction:

Reed Erickson reviewed the following regarding the Zone Change and Preliminary Subdivision applications:



- Under this agenda item, there are 2 components for the same project; a zone change application and a minor subdivision application.
- The property is approximately 210 acres located near 1200 S Old Hwy 91, Kanarraville.
- The proposed subdivision of 7 lots includes 160 acres of the 210 total acreage. The lower right corner (50 acres) is not part of the proposed subdivision.
- Previously, the property was rezoned from R-5 to A-20.
- Public Services available are:
  - \* Water includes 3 wells.
  - \* Sewer by septic.
  - \* Fire flow/suppression UWUI Code & Building Code.
  - \* Transportation corridor is Old Hwy 91.
  - \* Drainage exists to maintain historic flows and entry/exit locations.
  - \* Power, gas, and communication exist in the area.
- The applicant is compliant with the criteria for a subdivision.
- The applicant asked for one variation which would allow the cul-de-sac to be is to 3,700 feet from the adjoining road instead of the 600 feet maximum in the county ordinance.

**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 reviewed the county considerations for re-zoning property and procedures for subdivision plat approval.

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

**Zone Change:** A-20 to RA-20 (Approve, Approve with modifications, Deny or Continue)

**Motion:** Mark Halterman recommend to recommend that the county commission approve the zone change as all considerations have been met.

**Second:** Seconded by Erick Cox.

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

**Follow-up Comments:**

- Reed shared issues with the road being paved, or chip sealed, or gravel.
- Rich plans to talk to Bruce Anderson, Public Works Coordinator, regarding the road becoming an issue if it is not done properly.
- Chair Thomas would like the road to be chip sealed and would like the fire marshal to review the variance of the 3,700 feet length of the cul-de-sac.
- Troy Myers was asked how he felt about a chip seal road. He is concerned about cost, but would be willing to do it.
- Rich reminded the ICPC that the costs are less overall for the county with a chip seal road, in the long run.

**Preliminary Subdivision:** 7 lots (Approve, Approve with modifications, Deny or Continue)

**Motion:** Erick made a motion to recommend preliminary subdivision plat with stated variations, but with chip seal, not gravel.

**Second:** Seconded by Mike Platt.

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

**10. IRON COUNTY TRANSPORTATION PLAN UPDATE – Continued Discussion**

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

**Planning Commission & Staff Discussion:**

Erick Cox requested that the Quichapa Map be shared on the county's website to help educate the public.

The Transportation Plan Update was postponed due to time constraints.

**11. QUICHAPA FLOOD REGULATIONS – Continued Discussion**

Staff and ICPC Discussion included:

- The date of the public hearing regarding Quichapa should be held at the ICPC's May 4, 2023 meeting.
- Reed noted that attendance may be high due to the many parcels of land located near Quichapa.
- Rich Wilson shared his concern regarding development properties with no slope. He would like the county to create an ordinance that requires the floor of a home to be 24 – 30" above the flood zone in the Quichapa area. If the slope is 1% or less, the ordinance would identify if a home could have a basement, no basement, or a finished floor. He recommended that the staff and others get together before next meeting to work on the ordinance draft.

**12. MINUTES...** approve minutes of March 2, 2023 meeting.

**Motion:** Erick Cox made a motion to approve the March 2, 2023 minutes.

**Second:** Seconded by Mike Platt.

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

**13. STAFF REPORTS:**

Staff reports were postponed due to time constraints.

**14. ADJOURN**

Chair Thomas declared the meeting adjourned at 8:30 pm.

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



Signed

5/8/23

Date