Washington County Land Use Authority Meeting
July 14, 2009

The Washington County Land Use Authority Meeting was held on Tuesday, July 14, 2009, in the Commission Chambers of the Washington County Administration Building. The meeting was convened at 1:30 p.m. by Chairman Stucki. Commissioners present, Debra Christopher, Julie Cropper, Dave Everett, Kim Ford, and Doug Wilson. Also present were Planner Deon Goheen, Deputy Attorney Rachelle Ehlert, Todd Edwards, Public Works Department, and Senior Planner John Willie.

Audience attendance: Rob Tersigni, Dale Grange, Bob Roth, Russell Funk, Adam Bowler, Aaron Metler, Steven Bingham, and George Cropper

Excused: Joann Balen and Rick Jones

Chairman Stucki led the audience in the Pledge of Allegiance and explained meeting protocol.

Item #1. STAFF COMMENTS. Staff review on all items listed below:

Item #2. CONDITIONAL USE PERMIT REVIEW Review and approve schedule for the Solid Waste facility at Central, opening January 2, 2009, Monday - Friday, 9:00 a.m. to 7:00 p.m. and Saturday, 7:00 a.m. to 4:00 p.m. Solid Waste/Neil Schwendiman, applicant.

The planner explained that this Conditional Use Permit was approved on August 26, 2008 and the hours of operation had not yet been determined, so the commission approved the Washington County Solid Waste Facility in Central, subject to the operation hours being reviewed prior to operation. The staff felt the operating hours were not out of line, so Mr. Schwendiman was given permission to open by the first of the year, knowing that the commission may want the hours of operation changed. The commissioners made the motion to approve the schedule for the Solid Waste Facility in Central, asking that this be revisited every six months to see if the hours are sufficient for the public. The planner advised that hours had recently been changed to Monday, Tuesday, Thursday, Friday and Saturday from 7:00 a.m. to 5:00 p.m. and Sunday from 7:00 a.m. to 4:00 p.m., as posted on the presentation screen.

Neil Schwendiman, applicant, said the facility will still be open the same number of hours. After requests, they adjusted their hours so the facility would open and close earlier than the time originally set.

Motion was made by Commissioner Cropper to approve a Conditional Use Permit Extension on the updated hours for the Solid Waste facility at Central, on a permanent basis. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #3. CONDITIONAL USE PERMIT EXTENSION. Review extension on a sales office for the Kolob Ranch development on the west side of the freeway at the Kolob Exit off Interstate 15. Kolob Development, Inc./ Scott Seyboldt, Project Manager, applicant. (Tabled 06/09/09)

The planner explained that this was tabled at the previous meeting due to a lack of representation. The applicant was again not in attendance, so the use will expire with the date of this meeting.

No action was taken.

Item #4. CONDITIONAL USE PERMIT EXTENSION. Review extension to locate four (4) wind energy testing and monitoring towers on BLM Land, Section 14, T40S, R19W, SLB&M, generally located in the Beaver Dam Wash area of the County. Pacific Wind Development, applicant and Knight Land Services, Inc., agent.

This item has been withdrawn at the request of the applicant.

No action was taken.

Item #5. CONDITIONAL USE PERMIT EXTENSION. Review extension on an Ultra-marathon event, Red Mountain 50K, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then on to the Shivwits Reservation along Old Hwy. 91 to Ivins on April 24, 2010. Red Mountain Running LLC/Jeremy Frehner, applicant.

The planner explained that this is the second extension review, and this event is sponsored by the Red Mountain 50K LLC. This is an Ultra-marathon event 50k, with approximately two hundred fifty (250) attendees listed under their special event coverage. The run begins west of Central on dirt roads and runs south of Red Butte to Gunlock, past the reservoir and through the Shivwits Indian Reservation and on to Unity Park in Ivins. As previously reported, the applicant has obtained letters from the Public Works Department, the BLM, and the County Sheriff. The Shivwits Indian representative has granted approval for crossing the reservation. The County would want to be listed as a beneficiary on the liability insurance policy, review communication and emergency access. These types of events are conditionally approved. The applicant indicated that nothing has changed and wants to secure the date for April 24, 2010. The applicant has a new agreement with the Sheriff's Department, since their reviews show fee changes for patrol hours used.

Jeremy Frehner, applicant, said that the race last year had to be postponed because of problems with transporting the runners to the starting line. There are no chartered bus companies in town, and they weren't allowed to use school buses because they aren't a government entity. This year they have hired drivers with smaller buses, who will make more trips.

A 30k race is also being added this year. This portion will begin where the dirt road meets the pavement. This will be nineteen (19) miles. The races will run concurrently on the same course, but the 50k runners will be staggered and there shouldn't be a problem with congestion. Also, more porta potties will be added to handle the additional participants.

Motion was made by Commissioner Christopher to recommend approval for a Conditional Use Permit Extension on an Ultra-marathon event, Red Mountain 50k, for a period of one (1) year. Commissioner Cropper seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #6. CONDITIONAL USE PERMIT. Request permission for the "Redrock Relay Race" from Brian Head to Kolob Road, through the communities, then on to Hwy. 91 to the Gunlock Road, ending at Veyo, Saturday, September 4 and 5, 2009, within the County unincorporated areas. Tim Collings, applicant

The planner explained that this two (2) day event is sponsored by Tim Collings/Red Rock Relay, which is a twelve (12) man team event that covers one hundred eighty (180) miles from Brian Head Resort and finishes at the Tuacahn Amphitheater in Ivins. The unincorporated areas for County review will be the Kolob Road to Virgin and the loop from Ivins to Gunlock and northeast to Veyo then south through Snow Canyon to Tuacahn. These types of events are reviewed conditionally at a public meeting to ensure that citizens have the opportunity to comment on the application. The planner reminded the commissioners that the applicant will need a liability insurance policy in place, listing Washington County as a beneficiary. The Washington County Sheriff's Department is aware of the event and has been working with the applicant on schedules. The planner advised the commission that they should review sanitary facilities, and what is provided at the designated exchange points, as indicated in the summary.

Tim Collings, applicant, explained that this is the first year, but this type of race has been gaining in popularity. With staggered start times, there will be minimal impact on the roads. Teams will begin every five to ten (5-10) minutes, with the fastest teams beginning last, so the end time won't be delayed.

Todd Edwards, Public Works Department, said that Ron Whitehead, Public Works Director expressed concern for safety because the event is being held on Labor Day weekend. Mr. Collings explained that the state roads have already been approved by UDOT, the runners will travel opposing traffic so that oncoming vehicles will be more visible, reflective vest and head lamps will be required for runners at night, and there will be signs and barricades on all UDOT roads.

Mr. Collings said that each member of the team will run about five (5) miles at a time, and every thirty (30) miles there will be a base location with food, first aid and restrooms. Spectators will not be allowed along the course, only at the finish line.

Todd Edwards, Public Works Department, expressed concern about the narrowness of Kolob Road, and the possibility of the edge of the road being further broken down. The Park hasn't put gravel on the shoulders of the road, so the runners will need to be aware and take precautions in

that area.

Motion was made by Commissioner Everett to recommend approval for a Conditional Use Permit for the Redrock Relay Race, for a period of one (1) year. Commissioner Cropper seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #7. CONDITIONAL USE PERMIT. Request permission to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by the Theresa Haury, in Veyo. Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant.

The planner explained that communication towers are conditionally approved within the RA-1 zone. The applicant has submitted the site location plan and a drawing of the tower. The one hundred foot (100') tower meets the height requirement of the ordinance. There is a requirement for colocation and accessory equipment shelters will be reviewed. This application meets the requirement for a "lattice type" tower and there may be no need for a "fall" zone to be created, as this tower is located far enough away from water tanks on the adjacent property and the Ag/Manufacturing Bldg. on private property, with the leased area being 30' x 40' and the tower being centrally located.

Commissioner Wilson stated a possible conflict because he, in his capacity as a Water Conservancy District employee, has worked with the applicant for about six (6) months.

Jerome Gourley, representing the applicant, explained the need for a new tower because the wireless signal is not good in the area. The big 4 carriers: Verizon, AT&T, T-Mobile, and Sprint Nextel have already expressed interest in using this tower to enhance the signal for their local subscribers. There will be a lease hold agreement with the property owner. Mr. Gourley said that they would like to move a little bit closer to the water tank and take less of the applicant's yard. Bush & Gudgell will do the engineering and survey work for the project, and then it will be reviewed by County Staff and Engineers. There will be an emergency broadcast capability because the FCC has required them to install E-911 on all towers. There is an adequate fall zone.

Motion was made by Commissioner Ford to recommend approval for a Conditional Use Permit to install a proposed 100' lattice tower within the RA-1 zone in Veyo, for a period of one (1) year. Commissioner Cropper seconded the motion. Commissioner Wilson abstained. Four(4) commissioners voted Aye. The motion carried.

Item #8. CONDITIONAL USE PERMIT. Request permission to install a proposed 100' lattice tower within the RA-1 zone, located near the water tank, on land owned by the Washington County Water Conservancy District, in the Cliff Dweller's subdivision. Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant

The planner explained that communication towers are conditionally approved within the RA-1

zone. The applicant has submitted the site location plan and a drawing of the tower. The one hundred foot (100') tower meets the height requirement of the ordinance. There is a requirement for colocation and accessory equipment shelters will be reviewed. This application meets the requirement for a "lattice type" tower and there may need to be a "fall" zone created, although, the residences on private property and nearby water tank looks like they are far enough way, with the leased area being 40' x 40' and the tower being centrally located. The hill was too steep to access from the frontage road, so it is accessed from a private drive, owned by the Water Conservancy District and the homeowners.

Commissioner Wilson stated a possible conflict because he, in his capacity as a Water Conservancy District employee, has worked with the applicant for about six (6) months.

Jerome Gourley, representing the applicant, said that the current signal and service in the area are terrible, and interest has been expressed for this additional tower. There was a discussion about the possibility of a fall zone problem, and Mr. Gourley explained that the applicant is flexible on the actual location of the tower, and flexible on the height, if there is a problem. Chairman Stucki said that a letter from the property owners stating that it is all right if the tower falls across their property will need to be obtained and added to the file. The building department will make sure that the location and height meet all requirements.

Motion was made by Commissioner Everett to recommend approval for a Conditional Use Permit to install a proposed 100' lattice tower within the RA-1 zone in the Cliffdweller's subdivision, subject to staff ensuring that there is a letter from the property owners regarding the fall zone as discussed, for a period of one (1) year. Commissioner Ford seconded the motion. Commissioner Wilson abstained. Four (4) commissioners voted Aye. The motion carried.

Chairman Stucki closed the Planning Meeting and opened a Public Hearing at 2:36 p.m.

Item #9. PUBLIC HEARING: Open hearing for a zone change from Open Space Conservation to Open Space Transitional zone at the St. George Municipal Replacement Airport in the County unincorporated area. St. George City/Larry H. Bulloch P.E., applicant.

The planner explained that the commission needs to open a public hearing as referenced by State Code, whereas amending a land use ordinance requires a minimum ten days published notice and 24-hour posting of agenda before other public meetings.

Gary Esplin, St. George City Manager, gave an update on the annexation. Washington has denied the petition for annexation. St. George City has purchased the property from SITLA, containing about twelve hundred (1200) acres. The replacement airport will be known as the St. George Municipal Airport, SGU, because the original airport will no longer be used. The new airport is only a replacement, and it will not be international or regional.

Tyler Hoskins, property owner by new airport, stated that he is not opposed but wanted to understand the zone change and annexation process. It was explained that the zone change will allow the airport to be built, and that the annexation will be to St. George City, hopefully within a few months. Because the County and the City have different zones, it is necessary to change the zone to a County zone that will allow the necessary construction before the annexation takes place.

Chairman Stucki closed the Public Hearing and reopened the Planning Meeting at 2:48 p.m.

Item #10. ZONE CHANGE: Request permission for a zone change from OSC-20 (Open Space Conservation) to OST (Open Space Transitional 20 acres) zone, a portion of Sections 14, 23, and 24, T43S, R15W, SLB&M, generally located at the St. George Municipal Replacement Airport in the County unincorporated area. St. George City/Larry H. Bulloch P.E., applicant.

The planner explained that the commission will be acting on the zone change, which has been properly advertised. This zone is exactly the same as the adjacent OST-20 zone, whereas, the purpose of this zone is to accommodate the development of the St. George City Municipal Replacement Airport, which allows for the airport to be conditionally approved within the OST zone. The General Plan depicts this area as remaining within the OST zones.

The following findings of fact were discussed and voted upon by the Planning Commissioners. Each was voted on separately and all were approved unanimously.

Findings:

- Stop gap measure in being annexed to airport authority to allow a current work in progress
- OST zone is compatible with the area and the use
- No opposition during Public Hearing
- Proposed zone is compatible with the land use plan

Motion was made by Commissioner Wilson to recommend approval for a zone change from OSC-20 to OST-20 generally located at the St. George Municipal Replacement Airport in the County unincorporated area, based on findings of fact. Commissioner Christopher seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #11. STAFF DECISIONS. Review of decisions from the Land Use Authority Staff Meeting held on July 7, 2009. County initiated.

The staff meeting convened at 9:00 a.m. Staff Members Present: Deon Goheen, Planning & Zoning Administrator; Kurt Gardner, Building Official; Rachelle Ehlert, Deputy Civil Attorney; Todd Edwards, County Engineer; Darwin Hall, Ash Creek Special Service District Manager;

applicant is still working with the City of St. George for additional water service to be upgraded to domestic water service for future construction. The plan meets 25' setback requirements on all sides of the property. The property is accessed from a Forest Service Road. The parcel is within the OST zone and contains 50+ acres. There was reference on the winery for personal use and the process they go through for State licensing. **Staff felt there should be no problem in exchanging one permit for the other and granted approval of the Conditional Use Permit for the period of one (1) year.**

B. Request permission to build restrooms for a pavilion within the A-20 zone that was constructed in 1979 by Sterling Tullis (Pmt. #01096 6/14/79) in Pinto. Kirk Tullis, applicant.

The applicant would like to build restroom facilities on property located across the street from their pavilion. This is the property that is used for the camp trailers when they have their reunions. Eventually they may build a cabin on this same parcel. The applicant showed a plan of the facilities and a letter from the Southwest Utah Public Health Department explains that the existing septic appears to be adequate for the proposed construction of the two restrooms. Staff reviewed the possibility of future expansion and indicated a need for a zone change to FR-1 to accommodate the recreational facility. The setbacks for this zone are 25' on all side, rear and frontage. **The staff granted approval of the Conditional Use Permit to construct restrooms in conjunction with an existing pavilion for the period on one (1) year.**

C. Request permission for a single family dwelling (cabin) within the A-20 zone in Pinto Townsite. Monica Hafen, applicant.

This is a review for an single family dwelling within the A-20 zone. The property was deeded as this size of parcel in 1971, so this is a grand-fathered parcel. A lot line adjustment was made, which made the parcel several feet smaller and the applicant's father-in-law is the owner of this parcel and surrounding parcels. The applicant has obtained approval of the Washington County Water Conservancy District (WCWCD) on densities in the Pinto area and the Southwest Utah Public Health Department (SWUPHD) has issued a septic permit. The private wells meets quantity and quality. The site plans shows that the setback requirements are met within that zone. **The staff approved the Conditional Use Permit for the period of one (1) year.**

Item #12. MINUTES. Consider approval of the minutes of the regular planning commission meeting and work meeting help on June 9 & 23, 2009.

Motion was made by Commissioner Ford to approve the minutes of June 9, 2009, as written. Commissioner Everett seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Motion was made by Commissioner Christopher to approve the minutes of June 23, 2009, as written. Commissioner Everett seconded the motion. Five (5) commissioners voted Aye. The motion carried.

Item #13. COUNTY COMMISSION ACTION REVIEW. Review of action taken by the County Commission on Planning Items. County initiated.

Action taken on Planning Items by the Washington County Commission on July 7, 2009, beginning at 4:00 p.m. (a) Road dedication approval of an extension of the Banded Hills Drive, a road dedication plat "Banded Hills Drive Extended", located in Section 15, T43S, R15W, SLB&M, County unincorporated....St. George City and Utah State Trust Lands, applicants; **(b)** Conditional use permit to install a water tank at the St. George City Airport, with water lines and joint utility trench in the Right-Of-Way to the airport, within the OST-20 zone in the unincorporated area of the County...St. George City, applicant; (c) Conditional use permit on construction of the St. George City Airport buildings, within the OST-20 zone in the unincorporated areas of the county...St. George City, applicant; and (d) Conditional use permit to construct a motocross and ATV track within the OST-20 zone, containing 20 acres, a portion of Section 15, T39S, R16W, SLB&M, generally located east of Hwy 18 on North Baker Lake Road and 300 East in Central... Robert and Mary Houston, applicants and Gary Simonson, agent.

The planner explained that all items were approved by the County Commission, based upon recommendation by the Planning Commission.

Item #14. COMMISSION & STAFF REPORTS General reporting on various topics. County initiated.

Todd Edwards, County Public Works, asked if the Planning Commission needed more time to review the proposed changes to the Construction Standards. After a brief discussion, it was determined that this will be brought back at a later date.

Commissioner Wilson asked if the Staff Comments could show whether an item needs findings of fact. The planner explained that Conditional Use Permits and Zone Changes should always have them, and Counsel or the Chairman can prompt the person making the motion whether or not they would be appropriate for a particular item.

There being no further business at 3:05 p.m., Chairman Stucki adjourned the meeting.

Donna Rasmussen

Donna Rasmussen, Planning Secretary