IRON COUNTY COMMISSION MEETING
June 13, 2016

Minutes of the Iron County Commission meeting convened at 9:00 a.m. June 13, 2016 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

Alma L. Adams	Commission Chair
Dale M. Brinkerhoff	Commissioner
Casey O. Anderson	Commissioner
G. Michael Edwards	Deputy County Attorney
Jonathan T. Whittaker	County Clerk

Also present:

H. Eugene Adams	County Auditor
Nicole B. Rosenberg	County Treasurer
Leslie Bishop	Human Resources Director

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Alma Adams.

INVOCATION

An invocation was offered by William Pressgrove.

DEPARTMENT REPORTS

Maria Twitchell, Executive Director of the Cedar City/ Brian Head Tourism Bureau, reported on tourism stating that as of April they were at 38% of their budget. Maria added that TRT collections were up 36% and restaurants were only up 4%. She

presented the 2015 Annual Tourism report to the commissioners. Additionally, Maria reported on the grant that they had received the year prior to help with the ski season; she stated that it went very well; even noting that it was 22% over the skier days from the year prior. Maria added that her office had worked with Southern Utah University on a National Parks advertisement which was submitted to the USA Today and was distributed nationwide.

Maria Twitchell then reported on Outdoor Recreation. Maria noted that they were at 17% of the budget, which she suggested would change soon as the summer often brings in more expenses. Maria suggested that some of the funding was due to the work on the shooting range and the water line replacement at Woods Ranch. She added that there was a water line break at Three Peaks but that it had broken on Bureau of Land Management (BLM) property. She noted that the break had impacted Three Peaks as well as some adjacent owners. Maria stated that residents had lost water for over an hour on Sunday night. She noted that there was a solar farm being built close to the shooting range and which would necessitate the use of handguns only near the solar panels.

Maria Twitchell reported on a grant that they were trying to get from the National Rifle Association (NRA) to finish the shooting range. Maria expressed hope that cement pads and a bathroom would be funded and installed. She concluded by asking for a full-time maintenance employee for the parks department.

Jared Wilson, IT Director, reported that the Information Technology (IT) budget was on track, but that the line item Software Maintenance was high at 86% of budgeted expenditures. Jared explained that the reason for Software Maintenance being high so early in the year was because most such payments are due in January and had already been paid. The Telephone line item was high for a similar reason, with most cell phone reimbursements already having been paid. He reported that the servers and upgrade to the scale software for the new Landfill scale house was complete, and that law enforcement Spillman server upgrades were also complete. Jared explained that special thanks was in order to Brett Robinson and Josh Meredith for facilitating the Spillman conversion. He reported progress on replacing the door security system; creating a new website for the Council on Aging; facilitating credit card payments for the Fair; and upgrading the appraisal software used by the Assessor's Office.

Mark Gower, Iron County Sheriff, reported that it had been a busy weekend, with an Off Highway Vehicle (OHV) driver rolling and becoming precariously trapped on a cliff. Sheriff Gower also noted a pursuit of an intoxicated individual who had a small child in the vehicle, and an apparent suicide. He reported that the Sheriff's department was under budget, and that the budget was posted on the Sheriff department website www.ironsheriff.net Sheriff Gower explained that the workload was significant, with an average of 18 open cases for each detective. He noted that there were about 1,500 case numbers thus far in 2016, a slight increase over 2015. Sergeant Mitchell and Corporal Houchen had a large number of sex offense and child abuse cases, which limited their ability to properly follow up on Patrol generated cases, like burglaries, major vandalisms and major thefts. Sheriff Gower expressed satisfaction at having a Resident Deputy in service in the western parts of Iron County. That position was staffed by Jobe Peterson. He reported continued tactical and medical training, with most Patrol Deputies being certified as Emergency Medical Responders. Sheriff Gower noted that everyone in the Sheriff's department was seeking to minimize overtime and fuel costs. He noted that on June 1, 2016, Iron County took over management of the Iron Garfield and Beaver Counties Narcotics Task Force. Sheriff Gower explained that Sergeant Jeff Malcolm would serve as Task Force Commander for the next 5 years. He expressed optimism and excitement for Iron County to be taking its turn in leadership of the Task Force. Dale Brinkerhoff asked whether the Sheriff had been able to resolve the issue of Sgt. Malcolm leaving as far as staffing was concerned. Sheriff Gower explained that he simply placed one Sergeant over two patrol crews. He noted that this was not optimal and that, perhaps another Sergeant could be discussed in the future. Sheriff Gower concluded his report by

praising the ropes team and their expertise. He noted that the ropes team trains continuously and even trains other agencies.

Casey Anderson, Iron County Commissioner, expressed gratitude to Sheriff Gower for a recent tour of Sheriff facilities Commissioner Anderson received. Casey also reported having met with the Roads department concerning the Local Option Sales Tax and its effects. He concluded by discussing intergenerational poverty, noting that Iron County has one of the highest rates of child poverty. Sheriff Gower noted that his experience attested to the unique challenge of intergenerational poverty.

PUBLIC HEARING FOR IRON COUNTY ORDINANCE 2016-2, ADOPTING CHAPTER 16.22 OF IRON COUNTY CODE REGARDING ROAD DEDICATION SUBDIVISION OPTION

Alma Adams, Iron County Commission Chair, declared the convening of a public hearing to receive comment regarding Iron County Ordinance 2016-2, which adopted Chapter 16.22 of Iron County Code regarding a Road Dedication Subdivision Option. This action was recommended by the Iron County Planning and Zoning Commission on May 4, 2016. Reed Erickson, Iron County Planner, explained that this ordinance allowed for the dedication of roads without having to pass through the entire subdivision process. Reed explained that this option was patterned after other governmental entities, to facilitate the dedication of roads when a full subdivision is not warranted nor desired by the land owner. He explained that the road dedication process or even the dedication of an easement often divides a parcel, creating parcels that are not legal lots of record. He gave the example of when I-15 lands were acquired, and the freeway parcel divided a lot into two pieces. Those parcels were considered the same parcel, even though they were no longer contiguous. Some "orphaned," parcels were even left with no access. Reed explained that this ordinance provided an additional option to land owners wherein they were able to create a road dedication without adversely affecting adjacent land owners. Also, that remaining parcels are legal lots of record. He also explained that the remaining parcels must meet minimum lot size requirements.

William Pressgrove, a citizen of Iron County, asked whether someone who has been denied subdividing in the past might be able to circumvent their denial by this option. Reed answered that no, they would not.

Casey Anderson made a motion to approve Ordinance 2016-2, adopting Chapter 16.22 of Iron County Code regarding a Road Dedication Subdivision Option as explained. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

IRON COUNTY ORDINANCE 2016 - 2

AN ORDINANCE OF IRON COUNTY, UTAH, ADOPTING A NEW CHAPTER 16.22 – ROAD DEDICATION SUBDIVISION OPTION; AND PROVIDING AN EFFECTIVE DATE.

Whereas, Iron County has determined in accordance with Utah Code and the Iron County Land Management Code, that certain provisions and regulations be established that permit road dedication subdivisions with simpler infrastructure requirements in certain areas that the need and location for a road is known, but the further division of property for development may not yet be known; and

Whereas, the proposed ordinance is designed to implement the objectives of the County to promote options for property use while reasonably regulating the same to serve the purposes of the Iron County Zoning Ordinance; and

Whereas, the County Commission finds that it is in the best interest of the County after taking into consideration the citizens' health, safety and welfare, to add the following ordinance;

and

Whereas, the Planning Commission of Iron County has held a duly advertised and noticed public hearing on the proposed amendments to the Subdivision Ordinance of Iron County, Utah, and has carefully and thoroughly reviewed and considered the comments received, and has voted to forward the proposed ordinance to the Iron County Commission with a recommendation for approval; and,

Whereas, the Iron County Commission has held a duly advertised and noticed public hearing on the proposed ordinance and after considering the public comments and the language of the proposed ordinance, the County Commission concludes that the proposed ordinance appropriately considers and balances all interests in accordance with the purposes and goals of the County Land Use Development and Management Act; the Iron County General Plan; and the Iron County Zoning Ordinance.

NOW THEREFORE, BE IT ORDAINED AND ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH AS FOLLOWS:

SECTION 1. **Chapter 16.22 – Road Dedication Subdivision Option.** of the Iron County Code, shall be, and hereby is, identified and added to include a new chapter for road dedication subdivisions, and reads as follows:

Chapter 16.22 ROAD DEDICATION SUBDIVISION OPTION

Sections:

16.22.010 - Purpose and intent.
16.22.020 - Use regulations.
16.22.030 - General requirements.
16.22.040 – Road dedication subdivision application.
16.22.050 - Evidence of availability of necessary services.
16.22.060 - Suitability of the area for a road dedication subdivision.
16.22.070 - Development standards.
16.22.080 - Other information and materials.
16.22.090 - Required coordination with municipalities.
16.22.100 - Zoning administrator to determine a complete road dedication subdivision application.
16.22.110 - Lack of road dedication subdivision application information.
16.22.120 - Road dedication subdivision approval—Procedures.
16.22.130 - Effective period of road dedication subdivision approval.
16.22.140 - Site preparation work prohibited.

16.22.010 Purpose and intent.

The road dedication subdivision option is provided and designed to accept road dedications and create the minimum number of lots that remain or are physically created when a road is created and dedicated without dividing the entire property into numerous lots allowed by the zoning; to clean title of existing remnant parcels and rights-of-way that enhance the county transportation system; to encourage flexibility and creativity in road design and layout; and to preserve and protect transportation corridors and create development opportunities primarily in large tracts of land intended for commercial and industrial development in Iron County; and to protect and enhance the desirable amenities and qualities of residential, industrial, and commercial development, ranching, wildlife, natural areas, and open space. To this end, the road dedication subdivision should be planned as a vision of transportation needs rather than an aggregation of individual unrelated road projects located on separate unrelated lots. The intent is to allow the road to be dedicated to the public and the land divided into future developable tracts of land to be developed or subdivided and configured with available subdivision options in the future. Full compliance with all the provisions of this chapter, the Iron County zoning ordinance and all other applicable requirements of local, state and federal laws is required.

16.22.020 Use regulations.

The road dedication subdivision option may be allowed in all zoning districts, at the discretion of the county commission, following the receipt of a planning commission recommendation. All use requirements of the zoning district in which the road dedication subdivision is located shall apply.

16.22.030 General requirements.

A. The number of subdivision lots allowed in a road dedication subdivision shall be the minimum number physically created or remaining when the new road/street is created. Generally, a road dedication subdivision will create only the road parcel being dedicated and the two remaining parcels - one on each side of the road parcel.

B. The road dedication shall be in a single or corporate ownership or the subdivision application shall be filed jointly by all the owners of the property.

C. The property adjacent to the road dedication subdivision shall not be adversely affected. To this end, the planning commission and county commission may require that planned uses of least intensity or greatest compatibility be located around the boundaries of the road dedication subdivision area.

D. Qualification for Road Dedication Subdivision. In order to apply for a road dedication subdivision, the proposed property must not be attempting to create multiple lots for development, but rather desires to create and dedicate a road right-of-way for the purposes stated above in Section 16.25.010.

16.22.040 – Road dedication subdivision application.

The following information is required for a complete road dedication subdivision application:

A. A road dedication subdivision application, provided by the zoning administrator, completed and signed by the owner(s), or authorized agent of the owner(s) of the land proposed to be subdivided.

B. A plat complying with the requirements of this chapter of the property proposed to be subdivided with a survey of the road proposed, with remaining parcels, prepared by a licensed land surveyor. The road dedication plat shall be prepared in pen, and the sheets shall be numbered in sequence, if more than one sheet is used and shall be of such a size as is acceptable for recordation in the office of the Iron County Recorder. One mylar copy of the road dedication plat shall be presented to the zoning administrator, along with fifteen paper copies. The zoning administrator may request additional copies, if required.

The road dedication plat shall show the following:

1. The layout of the proposed road dedication subdivision at a scale of not more than one inch equals to 100 feet, or as recommended by the county surveyor;
2. Located at the top and center of the road dedication plat, the proposed distinct name of the road dedication subdivision, and the section, township, range, principal median and county of its location;
3. A title block placed on the lower right-hand corner of the road dedication plat showing:
    a. Name and address of owner(s) of record and name and address of the licensed land surveyor responsible for preparing the road dedication plat;
    b. Date of preparation of the road dedication plat, and any revision dates;
4. Signature blocks prepared, as required and provided by the county, for the dated signatures of all owners of record of real property contained in the road dedication subdivision, and the county commission's chair, planning commission's chair, county engineer, county attorney and county recorder. The owner's certificate of consent shall be notarized and include language to dedicate public rights-of-way and convey remaining parcels, and include a reference to any covenants. The certificate of recording shall provide blanks for recording information;
5. North arrow, graphic and written scale, and basis of bearings used;
6. Tabulation of the number of acres in the proposed road dedication subdivision, showing the road to be dedicated and the number of proposed remaining parcels, and the

areas of each parcel. All proposed parcels are to be numbered in a system acceptable to the Iron County engineer;

7. A vicinity map of the site at a minimum scale of one inch equals to 200 feet;

8. The legal description of the entire road dedication subdivision site boundary, and the legal description of each parcel in the subdivision;

9. Surveyed boundary of the proposed road dedication subdivision: accurate in scale, dimension and bearing, giving the location of and ties to the nearest existing two government control monuments. This information shall provide data sufficient to determine readily the location, bearing, and length of all lines and the location of all proposed monuments. A road dedication subdivision proposing a remaining parcel for agricultural purposes (larger than twenty acres, and not being created for development purposes, as defined by Section 16.04.060(A) of this title) may be described by metes and bounds description, but shown on the road dedication subdivision plat. A note shall be provided on the road dedication plat of such restriction. The names of all adjoining property owners of record shall be shown;

10. As required by the zoning administrator, on the road dedication plat or separate map, the topographic contour intervals, not greater than ten feet, for the entire subdivision site;

11. Identification and location of known natural features on the road dedication subdivision site, including, but not limited to, wetlands as identified by the U.S. Army Corps of Engineers, water bodies, floodways and drainage-ways, slopes exceeding thirty percent, and any other natural features as required by the zoning administrator, planning commission or county commission, including a tabulation of the acres in each;

12. The location and dimensions of all existing buildings, existing property lines and fence lines;

13.The location of all existing platted lots within or contiguous to the road dedication subdivision site;

14. All existing rights-of-way and easements within the road dedication subdivision with their name, or purpose, shall be shown. The addresses of all parcels one acre or smaller shall be shown;

15. Location and size of existing and proposed culinary water and sewer lines; and/or, the location of all wells proposed, active and abandoned, and springs used for culinary water; the location of proposed septic systems and drain fields, as applicable; and the location of fire hydrants, and secondary water facilities, if proposed, shall be shown;

16. Location and size of existing and proposed irrigation canals, ditches, and easements, as applicable; and existing and proposed storm drainage improvements for both surface and floodwater, including, location, size and depth of storm drainage facilities;

17. Location of existing and proposed power lines and power poles, telephone lines and easements, gas lines and easements, other utilities with necessary easements; equestrian, pedestrian and bicycle trails, existing livestock trails, and any farm areas or open space areas, including the location and dimensions of all property proposed to be set aside for public or private reservation, with designation of the purpose of those set asides, and conditions, if any, of the dedication or reservation;

18. Location of all existing drinking water source protection zones located on the subdivision site;

19. As required by the zoning administrator, located on the road dedication subdivision plat, the identification of the required minimum building set-back lines for each lot.

C. A title report shall be provided with the road dedication subdivision application, prepared by a title company, within 30 days of the date of submission of the road dedication subdivision application.

D. Names and addresses of all owners of record of real property adjacent to the land parcel(s) proposed for the road dedication subdivision.

E. A tax clearance from the Iron County treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

F. Payment of the nonrefundable road dedication subdivision application fee (to be the same as a minor subdivision application fee), as established by resolution by the board of county commissioners.

16.22.050 - Evidence of availability of necessary services.
In addition to the information required in Section 16.25.040 of this chapter, the following information is required as part of the road dedication subdivision application, necessary to establish the availability of basic services to the proposed road dedication subdivision:

A. Water Requirements. Where water systems exist or are proposed in the area of the road dedication, evidence should be shown for plans to make water system extensions of an existing water system approved by the Southwest Utah Public Health Department or the Utah Department of Environmental Quality, as applicable;

B. Sewage Requirements. Where sewer systems exist or are proposed in the area of the road dedication, evidence should be shown for plans to make sewer system extensions to serve the proposed road dedication subdivision area. The Southwest Utah Public Health Department and the Utah Department of Environmental Quality shall be considered the county's experts in evaluating a proposed sewage treatment system.

16.22.060 - Suitability of the area for a road dedication subdivision.
In addition to the information required in Sections 16.25.040 and 16.24.040 of this chapter, the following information is required to be presented as part of the road dedication subdivision application, necessary to establish the suitability of the site for the proposed road dedication. The cost thereof is the responsibility of the applicant.

A. Soils Suitability. A geotechnical report, prepared by a geotechnical engineer, identifying the suitability of the soils in the proposed subdivision for development and building construction. The investigation and report by the geotechnical engineer shall be sufficiently comprehensive to identify whether the soils have characteristics that make them susceptible to volumetric changes, shifting, collapse, hydrocompaction, subsidence, or other engineering geologic problems (e.g., gypsiferous soil and rock, liquefaction, shallow bedrock, caliche, wind-blown sand, and soils susceptible to piping and erosion). The report must assess such structural characteristics of the soil and identify specific mitigation measures to address any soil limitations. Standard professional care shall be exercised when investigating and reporting on soil suitability, including disclosure of any geologic hazards encountered.
B. Endangered or Threatened Wildlife Habitat. For any road dedication subdivision proposed within the area of a habitat conservation plan, a letter from an authorized state or federal agency identifying compliance with the habitat conservation plan.
C. State or Federal Roads. If the proposed minor subdivision is adjacent to a state or federal road, a letter or official comments from the Utah Department of Transportation acknowledging the proposed road dedication and identifying any potential impacts resulting from the proposed road dedication.
D. Irrigation Company and Canal Company. If the proposed road dedication subdivision is located within the boundaries of an irrigation company or canal company, a letter or official comments from the governing board acknowledging the proposed road dedication and identifying any potential impacts resulting from the proposed subdivision.
E. Stock Trails. A letter or comments from the president of the Iron County Livestock Association, identifying any items related to preserve recognized livestock trails.
F. Geologic Hazards. If the subdivision is located in a geologic study area, as defined by Chapter 17.59, submit documentation of compliance with such chapter.

16.22.070 Development standards.
A. Fifteen-foot utility easements are required on each side of the dedicated road right-of-way.
B. Subdivision Improvement Standards. Notwithstanding Chapters 16.12 – Preliminary Plats, and 16.20 – Minor Subdivisions, and the Iron County Design and Construction Guidelines, road dedication subdivisions may or may not be required to provide subdivision improvements typical of subdivisions that are dividing property into multiple lots for sale or to be offered for

sale. The requirement and timing of appropriate road dedication subdivision improvements will be determined for each road dedication subdivision application based on applicant request, county staff and planning commission recommendation, and county commission approval. Any such improvement variation and/or deferment shall be noted on the road dedication subdivision plat. Guidelines for this decision follows:

1. Variation requests in accordance with Section 106 of the Iron County Design and Construction Guidelines should be noted on the plat, to be approved by the county commission, after receiving a recommendation from the planning commission;

2. Subdivision improvements may be deferred until an application for a building permit is requested on any legal lot or remaining parcel within the road dedication subdivision;

3. Subdivision improvements may be deferred until the remainder parcel or lot needing the improvement is further subdivided through a preliminary/final plat or minor subdivision process;

4. Road improvements shall comply with the typical road section standards in the Iron County Design and Construction Guidelines for rights-of-way width, improved surface width, construction materials and design, as determined through the road dedication subdivision approval process.

C. Minimum Lot Area and Lot Width. The minimum lot area and lot width for remaining parcels on each side of the road right-of-way must meet the minimum lot area required for the zone in which the road dedication subdivision is located.

16.22.080 - Other information and materials.
When the zoning administrator, planning commission or county commission deem necessary, the applicant may be required to provide other information, conduct studies, and provide evidence indicating the suitability of the area for the proposed road dedication subdivision, including, but not limited to, groundwater protection, plant cover maintenance, geologic or flood hazard, erosion control, wildlife habitat, and any other physical, public or private services, or environmental matters necessary to identify the suitability of the area for the proposed road dedication subdivision.

16.22.090 - Required coordination with municipalities.
In addition to the information required in Sections 16.25.030 through 16.25.070 of this chapter, the following information is required to be presented as part of the road dedication subdivision application, necessary for coordination with affected jurisdictions and other service providers:

For all lands proposed for a road dedication subdivision, and located so as to be contiguous to the boundaries of a municipality, or located within an unincorporated island, or unincorporated peninsula, as determined by the county surveyor, and as defined by Section 10-2-104, Utah Code Annotated, 1953, as amended, the zoning administrator shall notify the legislative body of the municipality(ies) that are contiguous to the site proposed for a road dedication, or the municipality(ies) surrounding the unincorporated island or peninsula. The municipality(ies) notified may, and not more than 30 days of the date of notification by the zoning administrator, indicate the municipality's(ies') willingness to consider the annexation of the proposed road dedication area. If the legislative body of a municipality indicates a willingness to consider annexation, the applicant for road dedication subdivision approval shall be encouraged to present an annexation petition to the municipality, or municipalities. The planning commission shall not consider an application for road dedication subdivision approval for any lands located so as to be contiguous to the boundaries of a municipality, or located within an unincorporated island, or unincorporated peninsula, as defined by Section 10-2-104, Utah Code Annotated, 1953, as amended, and for which a willingness to consider annexation has been received, as provided in this chapter, until after the expiration of a minimum of six months, from the date of zoning

administrator notification to the legislative body of the municipality(ies), to allow for the filing of an annexation petition with a municipality.

For the purposes of this section, "contiguous" is defined has having a common property boundary of equal to or greater than 50 feet. All properties shall be considered "contiguous," as defined in this section, even though such properties may be separated by the rights-of-way of any county, state or federal road or highway.

16.22.100 - Zoning administrator to determine a complete road dedication subdivision application.
Prior to scheduling the planning commission's review of a road dedication subdivision application, the zoning administrator shall determine and find that the road dedication subdivision application is complete and contains all application materials as required by Sections 16.25.020 through 16.25.080 of this chapter.

16.22.110 - Lack of road dedication subdivision application information.
The lack of any information required for a road dedication subdivision application, as specified in Sections 16.25.020 through 16.25.080 of this chapter, shall be cause for the zoning administrator to find the road dedication subdivision application incomplete, as allowed by this section of the Iron County zoning ordinance, or for disapproval of the road dedication subdivision application.

A zoning administrator determination of an incomplete road dedication subdivision application shall prohibit the planning commission from considering any material, items or other information related to the proposed road dedication subdivision. The zoning administrator shall notify the applicant of the required information lacking from the road dedication subdivision application. The zoning administrator shall allow 30 days from the date of notification of an incomplete road dedication subdivision application for the applicant to provide the required information and provide a complete application to the county. If the road dedication subdivision application remains incomplete after 30 days from the date of notification of an incomplete road dedication subdivision application, the zoning administrator shall return the incomplete road dedication subdivision application materials to the applicant, accompanied by all road dedication subdivision application fees paid.

16.22.120 – Road dedication subdivision approval—Procedures.
A. Planning Commission Recommendation. Following the determination of a complete road dedication subdivision application by the zoning administrator, the zoning administrator shall schedule the road dedication subdivision application for consideration by the planning commission. The planning commission shall schedule a public hearing providing at least fourteen days public notice to receive comment on the proposed road dedication subdivision with notice of the public hearing:

1. Being provided by U.S. mail to all owners of record of real property adjacent to the lands proposed for subdivision;
2. Being posted in at least three public places within the county at least fourteen days prior to the public hearing;
3. Publishing notice of the public hearing in a newspaper of general circulation within Iron County at least fourteen days prior to the public hearing; and
4. Providing notice to the legislative body of each affected municipality identified in Section 16.25.080 of this chapter.

Following the close of the public hearing, the planning commission shall consider the road dedication subdivision application and all materials submitted and input and comments received. The planning commission may recommend approval of the road dedication subdivision as presented, recommend approval of the road dedication subdivision with revisions and/or conditions, or recommend denial of the road dedication subdivision. The determination of the planning commission shall be accompanied by findings of fact. The planning commission may recommend on-site and off-site improvements, facilities and amenities, and provided 100 percent by the applicant for road dedication subdivision approval determined necessary by the planning commission and accompanied by a finding of the planning commission that such on-site and off-site improvements, facilities and amenities are required to protect the public health, safety and

welfare of the residents of the subdivision, or the existing residents of the county, including, but not limited to:

a. Road improvements, grading and hard-surfacing, bridges, culverts, road signs and lighting;
b. Flood control areas and facilities;
c. Culinary water facilities;
d. Sanitary sewer facilities;
e. Park, trail, open space areas and facilities;
f. Fire protection facilities, including fire hydrants and water storage facilities;
g. Irrigation facilities;
h. Electrical power, telephone and other utility facilities;
i. Fencing and livestock guards.

The planning commission shall transmit its recommendation to the county commission for consideration.

B. County Commission Approval. Following the receipt of the planning commission's recommendation, the county commission shall consider the planning commission's recommendation on the road dedication subdivision application at a regular meeting. Notice of the county commission's consideration shall be provided by:

1. The U.S. mail to all owners of record of real property adjacent to the parcel of land proposed for subdivision;
2. Posting in at least three public places within the county;
3. Publishing notice of the county commission's meeting in a newspaper of general circulation within Iron County; and
4. Providing notice to the legislative body of each affected municipality identified in Section 16.25.080 of this chapter.

After considering the proposed road dedication subdivision application and all materials submitted and input and comments received, the county commission may approve the road dedication subdivision application as presented, approve the road dedication subdivision application as recommended by the planning commission, approve the road dedication subdivision application with revisions and/or conditions, or deny the road dedication subdivision application. The determination of the county commission shall be accompanied by findings of fact. The county commission may require on-site and off-site improvements, facilities and amenities, and provided one hundred percent by the applicant for road dedication subdivision approval, determined necessary by the county commission and accompanied by a finding of the county commission that such on-site and off-site improvements, facilities and amenities are required to protect the public health, safety and welfare of residents of the subdivision, or the existing residents of the county, including, but not limited to those listed in Section 16.25.110 (4) above.

16.22.130 - Effective period of road dedication subdivision approval.

The approval of a road dedication subdivision shall be effective for a period of one year from the date of approval by the county commission, at the end of which time the applicant must have submitted the approved road dedication subdivision to the office of the Iron County recorder for recordation. If the approved road dedication subdivision is not recorded within the one-year period, the road dedication subdivision approval shall be void, and the applicant shall be required to submit a new road dedication subdivision application for review and approval, subject to the then existing provisions of this chapter, the Iron County zoning ordinance and all other applicable local, state and federal requirements.

16.22.140 - Site preparation work prohibited.

No excavation, grading or regrading for the proposed road dedication subdivision site shall take place, and no building permits shall be issued, until a proposed road dedication subdivision has received approval from the county commission and the road dedication subdivision plat has been recorded in the office of the Iron County recorder.

SECTION 2. General Provision.

Sections of the Iron County Code identified in this ordinance shall be, and hereby are, amended with the express intent of allowing administrative land use permits to be issued by the zoning

administrator for uses such as guest houses and expanded home occupations in accordance with Utah State code and Iron County code.

SECTION 3. Severability.
Should any portion of this ordinance be found for any reason to be unconstitutional, unlawful, or otherwise void or unenforceable, the balance of the ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

SECTION 4. Effective Date.
This ordinance shall become effective immediately after the required publication thereof, as set forth in Utah Code §17-53-208.

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY, UTAH this 13th day of June, 2016.

BOARD OF COUNTY COMMISSIONERS
IRON COUNTY, UTAH

By: _____
Alma L. Adams, Chair

ATTEST:

_____
Jonathan T. Whittaker
County Clerk

VOTING:

Alma L. Adams	Aye
Dale M. Brinkerhoff	Aye
Casey O. Anderson	Aye

RECOGNITION OF ELIZABETH BURGHARD FOR EXCEPTIONAL SERVICE

Alma Adams explained that Elizabeth Burghard had provided exceptional service and had fostered a spirit of cooperation as the Bureau of Land Management (BLM) Field Manager. The commissioners presented Elizabeth with an award that was prepared by Mike Worthen, Iron County Natural Resource Specialist. Alma Adams explained that Elizabeth had served for 10 years in the Cedar City office. Elizabeth Burghard reported that she had accepted the position of District Manager in Medford, Oregon.

PUBLIC COMMENTS

Jon Whittaker read a letter submitted by Bruce Washburn, a resident of Cedar City. In the letter, Bruce expressed opposition to spending tax dollars to support an amicus brief for Phil Lyman, a San Juan County Commissioner who had been convicted for his role in a protest ride in Recapture Canyon in 2014. Mr. Washburn wrote, "It seems that the commission is always ready to spend tax dollars for a cause like the American Lands Council or contributing to a lawsuit against the federal government regarding wild

horses, but is unsure if it wants to wants to spend the money to allow the Sheriff's department to lead the regional drug task force. If you gentlemen are fiscally responsible, stop sending "messages" that will provide little gain for anyone (except lobbyists and attorneys) and find a way for the Sheriff's Office to lead the drug task force. Please do not spend any money on the amicus brief."

Patricia Paystrup, a resident of Cedar City, explained that she was a member of the non-partisan group, Citizens for Government Accountability in Southern Utah. She noted that members of said group were shocked to see that the Iron County Commission would even consider contributing any tax payer monies in support of an amicus brief on behalf of Phil Lyman, San Juan County Commissioner, who was appealing his conviction regarding a 2014 protest ride in Recapture Canyon. Patricia noted that in recent legislation (HB 287), $250,000 of taxpayer money had already been allocated for Commissioner Lyman's defense. She reported on a recent meeting with Iron County Attorney, Scott Garrett to discuss their concerns regarding potential violations of Utah Code in the appropriation of public monies for the planning and execution of the Western Freedom Festival. Patricia reported that Scott Garrett assured her that no more money would be spent on ideologically driven "shenanigans." She expressed dismay at the agenda item to consider allocating taxpayer money to Commissioner Lyman's defense. Patricia then quoted Bruce Washburn as noted above. She asked the commissioners to stop wasting money on ideological messages that do nothing at all to benefit the lives of Iron County residents, and instead use resources to make Iron County safer, and a better place to live. Patricia concluded that she was in favor of live video streaming of Iron County Commission meetings.

Brad Greene also spoke to the matter of supporting the amicus brief for Phil Lyman. Brad agreed that it would be an inappropriate use of taxpayer monies to support the brief, however he stated that it was the purpose of government to protect citizens from aggression. He expressed that in some cases, the BLM is the aggressor. Brad volunteered to pay the roughly $400 for Iron County's share of supporting the amicus brief.

Casey Anderson explained that anyone was free to submit an agenda item through the Iron County website: www.ironcounty.net. He noted that all three commissioners possessed differing opinions and that it was unfair to paint any public body with a broad brush. Casey expressed that name calling or "pigeon-holing" was divisive and would not move the discussion forward. Dale Brinkerhoff clarified that any agenda items need the approval of at least one of the commissioners.

DISCUSSION REGARDING PROVIDING FUNDING IN SUPPOPRT OF AN AMICUS BRIEF ON BEHALF OF PHIL LYMAN

Alma Adams explained that he was contacted by other county commissioners discussing the support of an amicus brief regarding the Phil Lyman case. Alma relayed that Mark Ward, who was the attorney that drafted the amicus brief in question, had noted that parts of the amicus brief were for the benefit all counties, not just Phil Lyman. Alma explained that the brief discusses evidence that was suppressed by the judge in the case. 18 different counties felt that they did not want germane evidence suppressed if they were ever in a similar court case.

Dale Brinkerhoff explained that the Phil Lyman case had implications in Iron County because the Recapture Canyon road he traversed on his protest ride has a 20" or 24" line under it and should have been an RS-2477 road. Dale noted that Judge Shelby was influenced by Steve Bloch, Legal Director of the Southern Utah Wilderness Alliance (SUWA) directly in the courtroom in this case. Dale expressed that the decision to suppress the evidence in question and the undue influence of SUWA, a Non-Governmental Organization (NGO), was unethical and unprofessional. He noted that such NGO's have too much influence on federal authorities.

Dale Brinkerhoff made a motion that the amicus brief be paid from the commissioners' personal funds. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN IRON COUNTY AND PAROWAN CITY FOR LANDFILL SERVICES

Bruce Anderson, Iron County Landfill Supervisor, presented an interlocal cooperative agreement between Iron County and Parowan City for landfill services to the commissioners. He explained that tradition had been to allow Parowan to dump for free when it is mutually beneficial. Bruce noted that there is a Construction and Demolition or Class 4 landfill that does not accept household trash and a transfer station that is located on land owned by Parowan City. Bruce explained that the previous interlocal agreement for this arrangement expired in 2004. He clarified that while Iron County owned and operated the landfill, Parowan City owned the land, maintained the road, provided water, and remove the snow. Bruce explained that tradition had been to allow Parowan to dump for free when it is mutually beneficial. Dale Brinkerhoff made a motion to approve the interlocal cooperative agreement between Iron County and Parowan City for landfill services. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

PRESENTATION AND APPROVAL OF THE MAY 26, 2016 TAX SALE

Christene Lowder, Chief Deputy Auditor, presented the results of the May 26, 2016 tax sale. Christene explained that 197 parcels were originally slated to be sold, but through redemption and bankruptcy, and some that were withheld from the auction by Iron County, 97 parcels were eventually sold. 49 parcels were struck off to Iron County. She reported $265,698.77 in total bids, $28,950.00 in administration fees, $39,043.70 in taxes, and $197,705.07 going to surplus. The owners whose parcels were sold will be able to retrieve any surplus paid for their parcels once any liens are satisified. Dale Brinkerhoff made a motion to accept the results of the May 26, 2016 tax sale as presented. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

APPROVAL OF CONSTRUCTION CONTRACT FOR PUBLIC SAFETY BUILDING

Dale Brinkerhoff reported the results of the bid opening held June 1, 2016 for construction of the Public Safety Building behind the Sheriff's Office in Cedar City. Dale explained that the State of Utah had requested Iron County construct a building to house Adult Probation, Highway Patrol, Interagency Drug Task Force, Drivers License Bureau and the Cedar Communications Center, or 911 dispatch. He explained that, while Iron County would be constructing and owning the building, the state agencies would be paying rent and maintenance for the building, and after the 25 year bond is paid, there would be approximately $250,000 positive cash flow in rents. Dale indicated that there would be, at a minimum, an annual review of the operation and maintenance costs to ensure that the state agencies were bearing those costs and not Iron County. He noted that an alternate option of metal fascia turned out to be important in determining the apparent low bidder. At the bid opening, Brubaker Construction Inc. came in with the lowest base bid of $3,598,000; Carter Enterprises, Inc. submitted a base bid of $3,609,000; and a third bid by Ellsworth Paulsen Construction Company of $3,890,000 was submitted. However, after removing the optional metal fascia to save costs, Carter Enterprises, Inc. had an apparent low bid of $3,424,000. Dale explained that, to that amount, a design fee of $238,710 and a 5% contingency fee of $183,135.50 would be added, making the total cost of construction $3,845,845.50. He further explained that roughly 6,000 square feet of space was set aside in the basement for possible use by Iron County in the future. Because that space is for Iron County and would not be available to the state agencies in

the building, Iron County would be paying $87,000 for that space. This would leave a cost of $3,758,845.50. Dale noted that said amount was $58,000 over the planned base price, but would hopefully be absorbed in the $183,135.50 contingency fee. Dale Brinkerhoff made a motion to award the bid to Carter Enterprises, Inc with the apparent low bid of $3,424,000 after removing the metal fascia option, including the payment of $87,000 for 6,000 square feet of space in the basement to be paid by Iron County. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

DISCUSSION REGARDING LIVE VIDEO RECORDING OF COMMISSION MEETINGS

Casey Anderson expressed that there was a sincere need to make Iron County Commission meetings more accessible and transparent. Casey noted that in his life, with employment keeping him busy on Monday mornings, he was seldom able to attend Iron County Commission meetings. He explained that Ryan Judd had provided a presentation to the Utah League of Cities and Towns that made sense. Ryan had explained that Kaysville City had set up a video streaming system for a cost of around $2,500. Casey explained that their system was very simple, and used www.youtube.com to post and archive the videos. The desired live-streaming was also accomplished on www.youtube.com. Alma Adams explained that the plan had been to implement live video streaming as part of the courthouse renovation and implement it as part of the new commission chambers. Dale Brinkerhoff expressed that his preference would be to include live video streaming in courthouse renovations because it would then be a cost of renovation and not taken from the general fund. Jared Wilson explained that he would put together different options for the commissioners to choose from in a future meeting. Jared also noted that there was a comprehensive system in use by the Attorney's and Childrens Justice departments.

DISCUSSION REGARDING PLACING A "LOCAL OPTION SALES TAX," ON THE BALLOT IN NOVEMBER, 2016

Alma Adams explained that this item had been carried forward from the May 23, 2016 meeting, and that this tax, if implemented, would be an additional 0.25% sales tax for transportation. Alma noted that the Utah Legislature had already implemented an additional 5 cent fuel tax, effective January 1, 2016. He explained that with HB 183, the Utah Legislature also passed the "Local Option Sales Tax" (LOST). He noted that in 2015, 17 counties placed it on the ballot, with about 10 approving the measure. Alma explained that Iron County decided to not place it on the ballot in 2015. He noted that the Iron County Commission would do no advertising for this ballot initiative, for or against. Alma reported that thus far, Iron County had received resolutions from Cedar City, Parowan City and Enoch City requesting the issue be placed on the ballot. Brian Head voted against sending a resolution to Iron County. Paragonah and Kanarraville had not taken any action. Alma explained that the LOST would provide an estimated $437,000 in transportation revenues to Iron County. Dale Brinkerhoff made a motion to move this item forward to an unspecified date. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

FEE WAIVER FOR THE FIRE ROAD RACE SPECIAL EVENT

Bryan Dangerfield, Cedar City Events Coordinator, reported that the Fire Road Race manager would not be able to put the event on. Bryan explained that the Fire Road Race is an event that has been running for 5 years and shows off the trails and mountains of Iron County. He explained that the anticipated June 25th date would not be possible, but asked the commissioners to consider allowing the event to run on August 27th instead. He noted that the special event permission was necessary because the race ran partly on Iron County roadways. Bryan asked the commissioners to consider waiving the fees for

the potential August 27th event. He explained that the organizers would be submitting another event permit for August 27, 2016. Dale Brinkerhoff requested that the organizers seek consent from the residents of the Cedar Highlands area. No action was taken at that time.

PERSONNEL

Leslie Bishop presented the new hire of Stanly McConnell as Part Time Bailiff and Allison Stokes as Part Time Evidence Technician. The effective date for Stanly was June 7, 2016 and Allison Stokes' effective date was June 20, 2016. In the Childrens Justice Center, Leslie Bishop presented the new hire of Heather Ross as Part Time Office Coordinator, effective June 13, 2016. These were all backfill hires. Dale Brinkerhoff made a motion to approve the new hires as presented. Second by Casey Anderson. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Leslie Bishop explained that there had been some confusion regarding the budget in the Justice Court regarding the reinstatement of the Part Time Justice Court Clerk Position and Lead Clerk. Leslie explained that due to scanning, there was extra work load in the Justice Court. Dale Brinkerhoff explained that this would not be a newly funded position. Leslie Bishop noted that the budget implication for 2016 would be $9,568, with an annual amount of $19,136. She noted that the Lead Clerk position had been the Justice Court Supervisor and required leadership. In Lori Starr, Justice Court Administrator's absence, the Lead Clerk was to make decisions and would be responsible for the department. Casey Anderson made a motion to approve the reinstatement of the Part Time Justice Court Clerk position, and to approve the Lead Clerk position with the caveat that the salary increase for the Lead Clerk not exceed 5% of current pay. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

NON-DELEGATED ITEMS

Leslie Bishop reminded the Commissioners that Sandra Benson was coming due to be replaced on the Career Service Council. Leslie also reminded them that an administrative law judge would be wise to employ in future convening of the Career Service Council.

ADJOURNMENT

Casey Anderson made a motion to adjourn. Second by Dale Brinkerhoff. Voting: Alma Adams, Aye; Casey Anderson, Aye; Dale Brinkerhoff, Aye.

Signed: Alma Adams, Chairman

Attest: Jonathan T. Whittaker, County Clerk