

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
August 3, 2016**

The Millard County Planning Commission met on Wednesday August 3, 2016 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Greg Greathouse .....Planning Commissioner  
Tom Nielson.....Planning Commissioner  
Joyce Barney .....Planning Commissioner  
David Sturlin ..... Planning Commission Chairman  
Molly Stevens .....Planning Commissioner

**EXCUSED:** Jodi Robison .....Planning Commissioner  
Gary Walker ..... Planning Commission Vice Chairman

**ALSO PRESENT:**

Sheryl Dekker ..... Millard County Planner  
Angi Meinhardt..... Secretary  
Richard Waddingham ..... Deputy County Attorney  
Dean Draper .....Millard County Commissioner

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED to each member of the Planning Commission, posted at the Millard County Offices in Delta, the Public Safety Building in Fillmore, and the Main Street Courthouse in Fillmore, posted on the Utah Public Notice Website and the Millard County Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah as required by law, the following proceedings were had:

**1. WELCOME, CALL TO ORDER –** Chairman David Sturlin

Planning Commission Chairman David Sturlin called the meeting to order at 6:30 p.m. He welcomed all present.

**2. REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-016 for a Non Plat Subdivision for property located at approximately 3630 S 1000 W, Delta Grid, for the purpose of dividing Parcel # DO-4572. It is proposed that the 79 acre parcel be divided creating two (2) parcels – one parcel having 1 acre and the other parcel having 78 acres. Tony Stanworth - owner of Milkstan Dairy, LLC. J. D. Stanworth – Petitioner.

Commissioner David Sturlin gave a verbal review of application Z-2016-016. There was no one at the meeting representing the Stanworth family nor Milkstan Dairy, LLC. Commissioner David Sturlin tabled this agenda for review after agenda item 4 to see if someone will show up to answer any questions that the Commission might have.

At 7:13 PM the Commission came back to the application. The applicant was still not present.

Commissioner Molly Stevens asked if Planner Sheryl Dekker has a plat map that the Commission can look at. Planner Sheryl Dekker stated that the ordinance allows replacing an existing home with a new home. She stated that this application is also to create a lot for Tony Stanworth's son, JD Stanworth, to build a home on 1 acre. The Commission viewed the plat map and discussed the existing home.

Commissioner Greg Greathouse thinks this brings up the same question that the Commission had on Application Z-2016-020 for Jason and Erica Ashby earlier in the meeting. The Commission discussed and decided to proceed the same way as the Ashby application.

Commissioner Molly Stevens made a MOTION to make a favorable recommendation for application Z-2016-016 to the BOCC for J.D. Stanworth Non Plat Subdivision with the conditions that Planner has recommended, with the additional recommendation subject to state law that this parcel can be split using a non-plat subdivision. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-022 for a Non Plat Subdivision for property located at approximately 3800 W 3300 S, Fillmore Grid, for the purpose of dividing Parcel # 7577. It is proposed that the 40.75 acre parcel be divided creating two (2) parcels – one parcel having 4.04 acres and the other parcel having 36.71 acres. Heath & Emily Weber – Owner/Petitioner.

Property owners Heath and Emily Weber approached the Commission. They want to spend the rest of their lives in Millard County and build a home on their property.

Commissioner David Sturlin went over the staff report recommendation "Approve the Non Plat Subdivision to allow for construction of one new home for the applicants, with the remaining parcel also owned by the applicants which will remain in agricultural use." Planner Sheryl Dekker stated that Heath and Emily Weber own the parcel and they want to divide the property to put a home on one of the parcels. Heath Weber stated that he is financing approximately 220 acres

around these 2 proposed parcels. The intent is to have a ranch with a home on the property.

Commissioner Joyce Barney asked if this land has ever been split in the past. Planner Sheryl Dekker stated this has not been split before.

Commissioner Molly Stevens stated that she would like to disclose that she was the Realtor for Heath and Emily Weber when the land was purchased. There was discussion that Commissioner Molly Stevens will not need to abstain from voting.

Commissioner Molly Stevens stated that according to the plat the 4.04 acre parcel is not touching the highway and does not have a road. Planner Sheryl Dekker stated that the private drive is included in the 4.04 acres. Heath Weber stated the driveway is included in the 4.04 acres and it was surveyed that way. They want to be off the county road a little bit because of dust and traffic. Commissioner Molly Stevens stated the description does not show the private driveway. Heath Weber asked if it needs to be in the narrative. Commissioner Joyce Barney stated that it probably needs to be in the legal description. Emily Weber stated they can have that added as it was surveyed with that private drive.

Commissioner Molly Stevens asked if the driveway would have to be a certain width and required as their frontage. Planner Sheryl Dekker stated it does not have to be the 150 feet. There was more discussion about the private drive. Attorney Richard Waddingham stated that the current private drive width should not be a problem. Heath Weber stated if they are redoing the description they can make the width whatever it needs to be. Commissioner David Sturlin stated with the modification of the private driveway being 33 feet and adding it to the legal description, it should meet all the requirements.

Commissioner David Sturlin stated the Commission can send a favorable recommendation to the BOCC contingent on a new survey and a legal description. Planner Sheryl Dekker stated these modifications would have to be completed before the BOCC meeting.

Commissioner David Sturlin and Attorney Richard Waddingham verified that the Weber's will not need to change the width of the driveway. They are satisfied with the 22 foot driveway. Millard County Commissioner Dean Draper stated 22 feet gives plenty of room for emergency teams to access the property. He stated they are within the bounds with the width of the private driveway. Commissioner Greg Greathouse stated that he thinks it would be enough width for the private driveway also.

There was some discussion about the staff report and some changes that need to be made.

Commissioner Joyce Barney made a MOTION to make a favorable recommendation on application Z-2016-022 to the BOCC for the purpose of a separating off a parcel approximately 4.04 acres. Our basis will be to follow the Planners recommendations on the staff report for the approval. The remaining parcel will remain in agriculture use. Also need to make this subject to a legal description that was provided on the plat to be updated and corrected to include the private drive to be at least 22 feet wide. Include recommendations listed in the staff report, including the conditions A-D:

- A. Conditions: Any property owner or an owner's agent (hereinafter a "property owner") may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer parcels, without the necessity of recording a final plat if:
  - 1: The Planning Commission has reviewed the document and has given the county commissioners its recommendations on the non plat subdivision application; and
  - 2: The document contains a certification of approval signed by the Chairman of the county commission or his designee that:
    - a. The Planning Commission has given its recommendations to the County Commissioners;
    - b. The subdivision is not traversed by the mapped lines of a proposes street as shown in the master plan and does not require the dedication of any land for streets or other public purposes;
    - c. Each parcel in the subdivision meets the minimum area, width access, and frontage requirements of the zone in which the property is located, or has been granted a variance from those requirements by the Board of Adjustment.
- B. Use Restrictions: The uses on parcels created under this section must be either permitted or conditional uses in the zone district in which they are located. Non plat subdivisions which result in the creation of three (3) or fewer lots will be presumed to be for the primary purpose of supporting agricultural uses rather than for primarily residential purposes.
- C. Lot Size: The sizes of the lots created in a three (3) or fewer lot, non plat subdivision may be smaller than the minimum lot size required in the zone in order to preserve agricultural land uses.
- D. One Time Process; Information on Deed: This special provision may be utilized only once per parcel of property. Parcels of land which are subdivided under these special circumstances must be deed restricted with a notation on the documents of conveyance that this one time election has been exercised and that the resulting parcels may not be further subdivided without recordation of an approved subdivision plat. The deed restriction shall also contain a statement that subsequent owners of the created parcels are on notice that the parcels are in an agricultural zone, were created for the support of agricultural activities, and may be subject to the noises, odors and

other conditions typical of agricultural activities. (Ord. 01-08-27A, 8-27-201, eff. 10-8-2001)

Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-020 for a Non Plat Subdivision for property located at approximately 8500 N SR 125, Delta Grid, for the purpose of dividing Parcel # 2503-1. It is proposed that the 53.48 acre parcel be divided creating two (2) parcels – one parcel having 4.362 acres and the other parcel having 49.1 acres. Wade L. Nielson – Owner, Jason R & Erika Ashby – Petitioners.

Commissioner David Sturlin read the application request and proposal. Applicants Jason and Erica Ashby approached the Commission. Commissioner David Sturlin requested to make the same changes to this staff report as was made on application Z-2016-022.

Commissioner Greg Greathouse asked if this property is on the road between Leamington and Oak City. Erica Ashby verified and stated it is in Fool Creek.

Commissioner Joyce Barney asked if they will be drilling a well or getting water from the irrigation company. Erica Ashby stated their water supply will come from the Fool Creek Irrigation Company. She stated they have a culinary system and irrigation system. Commissioner Greg Greathouse stated Fool Creek has many requirements to get culinary water and irrigation water. Erica Ashby stated you have to have 1000 water shares per house to receive water from Fool Creek Irrigation Company. She stated that her dad has 2400 shares and was going to deed them the required water shares to build their home. This requirement has been in place since 2003.

Commissioner Molly Stevens verified that the home will be at the north end of the property. Commissioner Joyce Barney asked who the closest neighbor will be. Erica Ashby stated that her parents will be the closest neighbors. Commissioner Greg Greathouse asked if the road was a state highway. Planner Sheryl Dekker verified that it is a state highway and the State Road Department signed off on the application, not the County Road Department.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation to the BOCC for application number Z-2016-020 for the Non Plat separation for 53.48 acres in to two parcels. Parcel 1 being 4.362 acres and the remaining parcel with 49.118a acres will stay in agricultural use. Follow the recommendations set forth in this document.

Commissioner Joyce Barney asked if someone could verify how many times this property has been divided. There was some discussion of when the parcel was

recorded. Erica Ashby stated that when her grandmother passed away the land was split between the 3 surviving sons. Her dad received 60% of the land and the other 2 brothers each received 20%. She stated that her grandmother died in 1989. Attorney Richard Waddingham stated that he thinks the law on subdivisions changed in the mid to late 1980's. There was some discussion on the different requirements between a platted and non-platted subdivision.

Commissioner Joyce Barney made a MOTION to strike the previous motion. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

Planner Sheryl Dekker explained the differences between a non-plat and platted subdivision.

There was some discussion amongst the Commission whether to table this agenda item to the next meeting or if the applicant would have to re-apply for a platted subdivision. Commissioner Greg Greathouse asked if we could send a favorable recommendation to the BOCC subject to identifying state law. If Attorney Richard Waddingham verifies that the law changed, the applicant can submit a platted subdivision application.

Commissioner Tom Nielson made a MOTION to send a favorable recommendation to the BOCC for application number Z-2016-020 dividing the 53.48 acres into 2 lots. Parcel 1 of 4.362 acres and parcel 2 of 49.118 acres. This will be subject to the determination of a change in the definition of "subdivision" under state law. Commissioner Molly Stevens SECONDED the motion. Voting was unanimous and contingent on the investigation.

## **5. PUBLIC INPUT**

## **6. APPROVAL OF MINUTES – July 6,**

The proposed Minutes of the regular Planning Commission meeting held on July 6, 2016 were presented for consideration and approval. Following the review and consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes for July 6<sup>th</sup>, 2016, as corrected. Commissioner Molly Stevens SECONDED the motion. The Voting was unanimous in the affirmative.

## **7. PLANNING and ZONING ADMINISTRATOR'S REPORT**

Planner Sheryl Dekker stated that the BOCC approved the zone change for Intermountain Solar, but tabled the Subdivision Ordinance.

## **8. OTHER BUSINESS**

Millard County Commissioner Dean Draper stated that he is very proud of the action that was taken on the 2 applications that was presented today. There was some discussion of the ordinance and Millard County Commissioner Dean Draper stated he is talking to a state senator about process and requirements of non-plat subdivision problems. There was some discussion on the laws of non plat and platted subdivisions.

**9. POSSIBLE CLOSED MEETING** pursuant to Utah code annotated Section 52-4-204 & 205

**10. ADJOURNMENT**

Planning Commissioner Greg Greathouse made a MOTION to adjourn. Planning Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:02pm.

---

Dated this \_\_\_ day of \_\_\_\_\_ 2016  
David Sturlin, Chairman  
Millard County Planning Commission