

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
February 5, 2014**

The Millard County Planning Commission met on Wednesday February 5, 2014 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Gordon ChatlandChairman/Planning Commission
David Sturlin Vice-Chair/Planning Commission
Greg Greathouse..... Planning Commissioner
Joyce Barney..... Planning Commissioner
Molly Stevens Planning Commissioner
Brent Blake Planning Commissioner

EXCUSED: Gary Walker Planning Commissioner

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl Dekker County Planner
Amber Nickle Secretary
Bruce Parker Planning and Development Services
Josh Beazer Engineer - Avant Design
Tom Avant Engineer - Avant Design
Tony Fuller Applicant - Fuller Family Farms
Dean Draper Millard County Chronicle
Gail Lawson Applicant
Jeanette Lawson Citizen
Todd Anderson Deseret Heritage Foundation
Todd Macfarlane Citizen
Scott Blackburn Citizen
Wyatt Macfarlane Citizen
Susan Henke Citizen
Norman Henke Citizen

1. Welcome, Call to Order

Chairman Gordon Chatland called the meeting to order at 7:01 p.m. He welcomed all present.

2. APPROVAL OF MINUTES – January 8, 2014

The proposed minutes of the regular Planning Commission meeting held January 8, 2013 were presented for consideration and approval. Following review and

consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes, as corrected. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE RECOMMENDATION on FINAL PLATS** for three Subdivisions (Major) on amended applications # Z-2013-038A, # Z-2013-038B & # Z-2013-038C for properties located at approximately 4600 West between 200 South and 500 North – Fillmore Grid. Anthony Fuller – Applicant. Fuller Family Farms, LLC – Owner.

Planning Director, Sheryl Dekker stated that applicant had a choice to proceed with his application for three subdivisions, or to wait until after changes were made to the Subdivision Ordinance before proceeding. Applicant decided to proceed now with the current ordinance.

Mr. Fuller made reference to the current zoning ordinance and how he was in compliance with it at this time.

Mr. Fuller asked for the homeowner's association requirement to be waived. The consensus was that the Planning Commission and Board of County Commissioners do not have the authority to waive regulations in the Ordinance. He is in favor of continuing the application right now because he has \$2000 invested in the process to develop the subdivision of his land.

Commissioner Joyce Barney made a MOTION to make a favorable recommendation to the board of county commissioners. Commissioner Brent Blake SECONDED the motion. The voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE RECOMMENDATION** on application # Z-2014-001 for a proposed minor subdivision for the purpose of dividing a 6.86 acre parcel into two parcels (one 1.797 and one 5.063 acre parcel) located at approximately 2056 South 2000 West, Delta Grid. Gail Lawson – Applicant.

Gail and Jeanette Lawson approached the podium to speak regarding their application. Mr. Lawson stated that he would like to divide his land so that his son can build a house next to them. He said he has spoken to the Division of Water Rights office in Richfield and they are in compliance with all rules regarding water. He noted that the deeded water right and easement for such is included in his application. Commissioner Molly Stevens made a MOTION to make a favorable recommendation to the board of county commissioners. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

5. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to the Millard County Code – Title 10, Zoning Regulations. These amendments are being proposed to provide for correction of errors and oversights in the existing ordinance that was adopted in December 4, 2012 with an effective date of January 1, 2013. Millard County – Applicant. Application # Z-2014-002.

Commissioner Brent Blake made a MOTION to open a public hearing. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was open at 7:27pm.

Todd Macfarlane of Kanosh approached the podium. Mr. Macfarlane asked why he would need to come to the Planning Commission in order to build a solar energy system on his own land.

Chairman Chatland explained that zoning regulations are necessary to protect the rights of property owners as well as the neighbors of the property owner and the community as a whole. He explained that the Planning Commission is charged with reviewing applications for land uses to determine if they meet the requirement of the Zoning Ordinance. Chairman Chatland also stated that the amendments to the Title 10 Zoning Ordinance that was adopted in December, 2012, and which took effect January 1, 2013, included the Transmission Corridor zone. That ordinance was sent to Sterling Codifiers for codification and inclusion in the Millard county Land Use code, but the transmission corridor zone was not included in Sterling Codifier's on line code.

Mr. MacFarlane stated that he serves on the Kanosh Planning Commission. He states that he feels that the ordinance that took effect in January 2013 is too restrictive on private property owners' rights to do what they want with their own property.

Mr. Macfarlane also stated as citizens we have God-given inalienable private property rights and that this restrictive ordinance takes those rights of way.

Chairman Chatland asked if there were any more comments. There were none

Commissioner Joyce Barney made a MOTION to close the public hearing. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The public hearing closed at 7:51pm.

6. **REVIEW and POSSIBLE RECOMMENDATION** on proposed amendments to the Millard County Code – Title 10, Zoning Regulations. Millard County – Applicant. Application # Z-2014-002.

David Sturlin made a motion to send a favorable recommendation to the Board of County Commissioners on the amendments to Title 10, Zoning Regulations # Z-2014-002. Brent Blake seconded the motion. Voting was unanimous in the affirmative.

7. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to the Millard County Code – Title 11, Subdivision Ordinance. These amendments are being proposed to provide a new Subdivision Ordinance to replace the existing Subdivision Ordinance which was adopted in 2005. Millard County – Applicant. Application # Z-2013-039.

Commissioner Greg Greathouse made a MOTION to open a public hearing and leave it open until next planning meeting. Commissioner Molly Stevens **SECONDED** the motion. The voting was unanimous in the affirmative. The public hearing was open at 7:52pm.

Tom Avant introduced himself as an engineer with Avant Design. He stated that he has helped Deseret Heritage Association with their application for a subdivision. He pointed out that in Millard County the preliminary plat must go to the County Commissioners and that in all the counties he had worked with, it only went to the Planning Commission. Bruce Parker explained that the Planning Commission is in the process of changing the approval process.

Mr. Avant pointed out that it states there is no development allowed until final plat is adopted. He said it is in the ordinance three times 11-6-9, 11-9-11, and 11-10-8. He said that he has seen problems with developers not developing and land owners being stuck with lots with no opportunity for development. He said that this verbiage could keep people from developing land that would otherwise be developed.

Mr. Avant stated that he cannot see a lot of difference between Non-plat and Plat subdivisions. He stated that he helped develop a rural unimproved ordinance in Kane County which allowed people to develop large pieces of land with permanent easements and no dedicated streets. He said the ordinance has really opened up development in their area. The ordinance requires there to be 10 acres or more and must be 10 lots or less. They also allow cabins on those lots. It has to be on agricultural land, and one home and an accessory building are allowed per lot.

Bruce Parker stated that there are no road requirements in the new ordinance intentionally. It is coming as a resolution in a manual.

Mr. Avant stated that he has helped write most of Kane County's ordinance and says he is willing to help write Millard County's ordinance if they wish.

Todd Anderson introduced himself. He stated that he represents Deseret Heritage Foundation and asked the board to consider closing the public hearing tonight so the foundation can move forward with their application and not be held up by the public hearing. Mr. Anderson stated that his client has been held up at the Board of County Commissioners pending some new policies in the new County Subdivision Ordinance.

He asked if there is a possibility to push the application through being that the new code is coming.

Mr. Anderson asked on 11-20-5 (1) what is the dollar amount that the applicant would have to pay and what does “considered up to 10%” mean?

Bruce Parker invited Todd Anderson to send in comments and concerns in writing to the Planning Director before the next meeting to be considered as part of the public hearing.

Todd McFarlane stated that he could see a need in Millard County to have an unimproved rural land use ordinance like in Kane County.

Mr. Avant stated that the requirements need to be very clear cut and have a balance between consistency and flexibility. He said that in Kane County people can choose what kind of roads they want to have. Depending on what road they are willing to pay for determines whether the county will pay to maintain them. If they chose to put in an asphalt road the County will pay to maintain it, if not they won't.

11-9-6 is dangerous according to Todd Anderson because it leaves the county open to a lawsuit. Mr. Anderson stated that the ordinance must be more defined and not as arbitrary to protect the county's best interest.

Mr. McFarlane asked to leave as much freedom as possible for individuals in the ordinance.

8. REVIEW and POSSIBLE RECOMMENDATION on proposed amendments to the Millard County Code – Title 11, Subdivision Ordinance. Millard County – Applicant. Application # Z-2013-039.

Commissioner Joyce Barney made a MOTION to table the item until next meeting. Commissioner David Sturlin SECONDED the MOTION. The voting was unanimous in the affirmative.

9. REVIEW and POSSIBLE ADOPTION of RULES of ORDER.

Commissioner Molly Stevens made a MOTION to adopt the rules of order. David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

10. PLANNING AND ZONING ADMINISTRATOR'S REPORT

- a. Review of Terms of Board Members and contact information
- b. Follow-up on discussion about accumulation of junk on property in the county

There were no changes made to the Planning Commission contact information.

Planning Director stated that if she receives a complaint on a person's junk, she starts the process to address it otherwise it is not addressed.

10. OTHER BUSINESS

On March 6 there is a Utah Counties Indemnity Pool (UCIP) training for the Planning Departments and Planning Commissions this year. Commissioners are expected to attend every other year.

11. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-204 & 205

12. ADJOURNMENT

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 9:23p.m.

Gordon Chatland Chairman
Millard County Planning Commission