

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 5, 2014**

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

PRESENT: Molly Stevens Board Member
David Sturlin Board Member
Brent Blake Board Member
Joyce Barney Board Member
Gordon Chatland Chairman
Gary Walker Board Member
Greg Greathouse Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Amber Nickle Secretary
Bruce Parker County Consultant
Sheryl Dekker Planning Director
Linda Gillmor M.E.D.A
Chuck Hughes Delta Garbage
Dean Draper Chronicle Progress
David L Hatton Citizen
TJ Lavato Citizen
Scott Blackburn Citizen
Todd Macfarlane Citizen
Laurel Eliason Deseret Heritage Assoc
Norm Henke Deseret Resident
Susan Henke Deseret Resident
Ken Skeem Hinckley Oasis
Carrie Stephenson Citizen
Paul Stephenson Citizen
Gayle Bunker Delta City Mayor

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 – February 5, 2014

The proposed minutes of the regular Planning Commission meeting held February 5, 2014 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. **PUBLIC HEARING – ZONING MAP AMENDMENT** - The application is for 18.98 acres located at 1365 North Hwy. 6, Delta Grid. The amendment is to include the existing 10.888 which is currently zoned HC (Highway Commercial) to AI (Agriculture Industrial) which is the zoning for the remaining 8.096 acres. Delta Garbage Service / Chuck Hughes & Minnie Hughes- Applicant. # Z-2014-004.

Commissioner Joyce Barney made a MOTION to open a public hearing. Commissioner Brent Blake SECONDED the motion. Voting was unanimous in the affirmative. A public hearing was open at 7:08pm.

Chuck Hughes explained that he wants to change the zoning in and around his building on Highway 6 from HC (Highway Commercial) to AG (Agriculture Industrial). This would allow him to be able to use the building as a metal fabrication shop for his current garbage business. He would also fabricate items for other businesses and farmers in the area. Sheryl Dekker stated that part of the land is already zoned as Agriculture Industrial. There were no more comments. Commissioner Brent Blake made a MOTION to close the public hearing. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was closed at 7:11pm.

4. **REVIEW and POSSIBLE RECOMMENDATION** on proposed amendments to the Millard County Zoning Map HC (Highway Commercial) to AI (Agriculture Industrial). Delta Garbage Service / Chuck Hughes & Minnie Hughes– Applicant. Application # Z-2014-004.

Commissioner Greg Greathouse asked what the current zoning is. Planning Director, Sheryl Dekker explained that the current zoning along Highway 6 is HC (Highway Commercial). The Planning Commission reviewed the map that showed the zoning of parcels near the piece of land in the application. The change would move the Agriculture Industrial zone right up to the highway on the east side of the highway for the parcel.

Joyce Barney asked Attorney Richard Waddingham if there are any legal reasons not to change the zoning. He did not have any legal concerns regarding the application.

Joyce Barney also asked if it would make more sense to do a variance in the HC instead of breaking up the existing HC along Hwy 6 to make a small piece AI.

Commissioner David Sturlin made a MOTION to make a favorable recommendation for Application # Z-2014-004 to the Board of County Commissioners based on the following requirements of the Land Use Code:

1. Consistency of the proposed amendment with the county *General Plan*.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on the existing goals, objectives, and policies of the *General Plan*, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions, required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE APPROVAL on application #Z-2014-005 for a C-1 Conditional Use Permit for a Metal Fabrication Shop. Delta Garbage Service / Chuck Hughes & Minnie Hughes– Applicant.

Commissioner Molly Stevens asked if there were any comments from the surrounding property owners. Mrs. Dekker stated that there have been no comments brought to her attention. The Commission went over the conditions outlined in the staff report.

Commissioner Joyce Barney asked if there would be a lot of trucks coming in and out of the property. Mr. Hughes said not more than one truck per day.

Mrs. Dekker stated that approval of the application would be contingent on approval of the zone change by the Board of County Commissioners. Mrs. Dekker stated that this is a C-1 conditional use permit and that the Planning Commission would make the decision not the Board of County Commissioners.

Commissioner Molly Stevens asked if there was a water right. Mr. Hughes stated that he just got a letter stating that the water has been transferred to him.

Commissioner Molly Stevens made a MOTION to approve the application based on the following criteria:

- a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b) The proposed use is allowed within the Zoning District as identified in Chapter 8.
 - c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
 - d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - e) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
 - f) The proposed use with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
 - h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole.
- 2012)

Commissioner Stevens stated further that the application should be approved with the following conditions:

- a) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- b) The property on which the Conditional Use proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- c) Implement safety programs as required by the OSHA and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular to manufacturing and agricultural operations.
- d) Submit to Millard County an incident report on all accidents which occur onsite, and which require major medical assistance. This report should be a detailed report and include the cause of accident and circumstances surrounding the accident.
- e) Maintain adequate liability insurance to cover any and all risks that may be incurred during project operation and provide Millard County with proof of such insurance.
- f) Maintain workers compensation insurance on all employees as required by state law.
- g) Be responsible for own site security.
- h) Implement dust control practices and procedures to control the generation and spreading of dust from the metal fabrication project as well as any dust problems arising from transportation to and from the site in Millard County.
- i) Implement noise control practices and procedures.
- j) Maintain a clean and healthy environment for staff and neighbors.

Commissioner David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

6. **PUBLIC HEARING – TEMPORARY PLAT SUBDIVISION ORDINANCE** – Public Hearing for the purpose of receiving public comment on proposed temporary amendments to the Millard County Plat Subdivision Ordinance. These amendments are being proposed to consider temporary amendments to the existing code (Plat Subdivision), specifically affecting the requirements for a Home Owners Association, required improvements (paved roads), guarantee and bonding requirements and other amendments. Millard County – Applicant. Application # Z-2014-007.

Commissioner David Sturlin made a MOTION to open a public hearing. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was open at 7:28pm.

Bruce Parker stated that he has received some very valuable recommendations since the last public hearing. He asked for some more time to go over some of those recommendations before he brings the new Title 11 Subdivision ordinance back before the Commission.

Chairman Gordon Chatland stated that the ordinance before the Commission at this meeting is for a temporary plat subdivision ordinance, and not for the new subdivision ordinance as mentioned by Mr. Parker. Chairman Chatland opened the floor for public comments.

Todd Macfarlane asked if the public hearing was advertised. Mrs. Dekker confirmed that it had been advertised in the Chronicle Progress and posted on the County website as well as the State public notice website.

Paul Stevenson asked if he could have a copy of the proposed ordinance so he could read it. Mrs. Dekker handed Mr. Stevenson a copy of the draft ordinance.

Commissioner David Sturlin made a MOTION to close the public hearing. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was closed at 7:37pm.

7. **REVIEW and POSSIBLE RECOMMENDATION** on proposed temporary amendments to the Millard County Plat Subdivision Ordinance. Millard County – Applicant. Application # Z-2014-007.

Commissioner Joyce Barney asked what the temporary amendments to the ordinance are. Bruce Parker stated that he emailed the draft temporary ordinance to the Commission in the middle of last week. Commissioner Greg

Greathouse and Joyce Barney expressed concerns that there was a lot of redundancy and missing pages in the document. It appeared from reviewing the copies that were given to the Commissioners was missing every other page.

Bruce Parker explained that the temporary amendments to the ordinance were in regards to requirements for a Home Owners Association, required road improvements (paved roads), and the bonding requirements.

Chairman Gordon Chatland asked what the advantage was to adopting a temporary ordinance as opposed to just changing the current ordinance. Commissioner Joyce Barney expressed concerns for adopting a temporary ordinance. Commissioner Greg Greathouse stated that he has not had time to effectively review the document to give a favorable recommendation at this time.

Commissioner Joyce Barney asked what the 10 percent was in reference to. Mr. Parker stated that it is a bonding requirement for 10 percent of the total improvements. Commissioner Joyce Barney asked about the other 90 percent. Mr. Parker stated that if the improvements are not made then the final plat would not be recorded and the applicant could not move forward with selling lots.

Commissioner Gary Walker stated that he feels at this point the Commission needs to have a work meeting to go through the ordinance line by line to make sure it is correct and to not adopt a document that they are not familiar with. Mrs. Dekker handed a new copy of the temporary ordinance to all the Planning Commission.

Mr. Macfarlane stated that he feels that the ordinance needs to be gone through line by line. However in the meantime the residents in Deseret are being held hostage by a bad ordinance and he encourages the Planning Commission to adopt a temporary ordinance to help them move forward and give them some "temporary relief".

Commissioner Greg Greathouse stated that the temporary ordinance appears to have more changes than just the three issues that affect the Deseret Heritage Association.

Mr. Parker stated there were some procedural changes included in the temporary draft for the protection of the county.

Commissioner Joyce Barney stated that when she was working on developing a subdivision she was required to put in paved roads and go through almost two years of meetings paved roads have been a good thing in the subdivisions.

Todd Macfarlane expressed his concerns about the county ordinances and the difficulty a developer would have in creating a subdivision in the county.

Mayor Bunker stated that he put in a subdivision in the County and was required to pave the roads. He said that it did cost a lot of money at the time but that if he had not, the residents in that area would later have wanted paved roads and look to the county to pay for it.

Norm Henke stated that there are several people in Deseret that are wanting to buy lots and build right away. He stated that once these lots are sold they would have the money to make the improvements to the subdivision including paving the roads.

Laurel Eliason said that paved roads would be great but there is no money for that as the developer in this case is a nonprofit organization which is trying to improve the condition of the old fair grounds in Deseret. The people who want to build there are not expecting paved roads. They have poor roads as it is. She said they just want to clean up the town, build a park and preserve the heritage of the community. She said that the County deeded the old fairgrounds to Deseret over two years ago and they have young people that want to build on the property. They are prepared to build homes now and want to be able to buy lots in the subdivision .

Commissioner Brent Blake stated that he lives near Deseret. The County owned the property that they want to develop. It was previously used as a County fairground but it's no longer used and the County does not want to be liable for it anymore. It has since been deeded to the Deseret Heritage Association. Now they are trying to clean it up and make it an attractive and useful area for nearby residents and resident's children who want to raise their families there.

Ken Skeem said it is impossible to live by all the laws and that we need to make allowances where due.

Commissioner Joyce Barney stated that she doesn't feel that the Commission can act on the current document.

Todd Macfarlane stated that he does not see why we can not draw up a special document for the Deseret Heritage project in the meeting tonight. Commissioner Joyce Barney stated that if we did that we would legally have to advertise and give notice to the public what we are changing.

Commissioner Gary Walker stated that he would be willing to go to a work meeting to review the temporary ordinance and tailor it the way they see fit before they approve it.

The Commission decided to schedule a special work meeting in order to come to an agreement on the ordinance that would work going forward until the subdivision ordinance was revised or updated for the Deseret Heritage project in order for them to expedite the process.

David Hatton said they went through a similar process in Kanosh. He encouraged the Planning Commission not to draw out the process.

Mr. Parker stated that he does not know how to simplify the temporary ordinance without taking out vital information.

Chairman Gordon Chatland had all board members look at item f on page 17, 11-4-3 on page 23, and the stricken section of 11-4-5 on page 26. Those are the three issues that directly affect the development in Deseret.

Despite the suggestion of adopting the three parts of the ordinance, the consensus among the Commission was to have a work meeting with a special Planning Commission meeting to follow before approving any document. They would have it decided before the Board of County Commissioners meeting and have a public hearing posted on the County website and published in the paper.

Commissioner Gary Walker made a MOTION to table the item until there is a work meeting and a special meeting following. The meetings will occur on March 12, 2014 at 6:45pm with a special Planning Commission meeting at 8:00pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

8. **CONTINUE 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.

Chairman Chatland stated that this agenda item is for the extended public hearing to receive comments on the new Title 11 Subdivision ordinance. Sheryl Dekker stated that they have received comments and have forwarded them all to the Commission.

Scott Blackburn said that the Commission is doing a great job but they are overdoing it. After reviewing the statutes he has decided not to move his business into the county because the ordinance is too restrictive.

Mr. Macfarlane commended the board for holding a special meeting.

Commissioner Gary Walker made a MOTION to close the public hearing. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was closed at 8:54pm.

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

Commissioner David Sturlin made a MOTION to postpone the line item. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

10. PLANNING AND ZONING ADMINISTRATOR'S REPORT

- a. Report of BOCC decision on Gail Lawson Minor Subdivision

Mrs. Dekker stated that the non-plat subdivision for Gail Lawson was approved by the Board of County Commissioners.

10. OTHER BUSINESS

There was some discussion about the current temporary ordinance that was handed out by Mrs. Dekker and why it cannot be simplified.

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 9:02p.m.

Gordon Chatland Chairman
Millard County Planning Commission