

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 2, 2012**

The Millard County Planning Commission met on Wednesday May 2, 2012 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Board Member
Molly Stevens Board Member
David Sturlin Board Member
Gordon Chatland Vice Chairman

EXCUSED: Greg Greathouse Board Member
Robin Smith Chairman

ALSO PRESENT:

Richard Waddingham County Attorney
Amber Nickle Secretary
Greg Kesler Life Skills Recovery
Kaylynn Kesler Life Skills Recovery
Linda Gillmor MEDA
Tony Fuller ADF Holding
Timothy Arnold Holden
Debra Arnold Holden

1. Welcome, Call to Order

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

2. APPROVAL OF MINUTES – April 4, 2012

The proposed minutes of the regular Planning Commission meeting held January 4, 2012 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner David Sturlin made a MOTION to approve the minutes, as corrected. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW and DISCUSSION of ADF HOLDING, LC'S on Amended Conditional Use Permit #Z-2005-006 Requiring a Restoration Bond – Anthony Fuller.

Tony Fuller introduced himself. He asked the board to waive the mandatory bond that they have been required to have with the County treasurer since The Carling Company is not being required to have a bond. Anthony Fuller stated that ADF Holding Co. has a 20-acre plot and The Carling Co. has 200 acres. There was some discussion among the board on why the Carling Company does not have a bond.

The County Planner stated that she feels very strongly about treating both companies the same.

Joyce Barney stated that just because an error was made in the past, the county should not have to allow another company to be let off the bond.

The County Planner told the board that the decision is up to them and not the board of county commissioners. Joyce Barney asked if they could table it until the county attorney was present to get his insight and suggestions.

Gary Walker made a motion to table the item until next meeting to get counsel from the county attorney. Joyce Barney **SECONDED** the motion. The voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE DECISION** on Application # Z-2012-007 for a Non Plat Subdivision for the purpose dividing Parcel # 6401 into two parcels for property located at approximately 6530 North 1650 East, Holden. Timothy M. Arnold and Debra A. Arnold – Applicants.

Vice Chairman asked if anyone had any questions. Joyce Barney asked if they had water. Timothy Arnold stated that he owns the water line out there.

David Sturlin asked why he wants to divide the land. Mr. Arnold stated he wants to parcel off 150 feet of land to build another house for his son. He stated that everyone in Holden has a septic tank and that power is not an issue.

Gary Walker made a motion to make a favorable recommendation to the board of county commissioners. David Sturlin **SECONDED** the motion. The voting was unanimous in the affirmative.

5. **REVIEW and POSSIBLE DECISION** on Application #Z-2012-008 for a Conditional Use Permit for Mining and Quarrying of Nonmetallic Minerals Specifically Sand and Gravel on Property located ½ Mile South of Holden and West of I-15. Timothy M. Arnold and Debra A. Arnold – Applicants.

Joyce Barney asked where the closest gravel pit to Mr. Arnold is. Mr. Arnold said it is about a mile away on the frontage road.

Gary Walker asked if Mr. Arnold wanted to go through with the application since he does not currently have a contract to use the land. Mr. Arnold stated that it depends on how long the conditional use permit is good for. The County Planner stated that the conditional use permit would be good for a year. Mr. Arnold stated he would like to have the conditional use permit in place just in case he wants to use it in the next year

The board went over some of the conditions that would be imposed for the conditional use permit.

David Sturlin made a motion to approve the application with the following conditions:

(10-7-6)

- A. The proposed use at the proposed location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the County. Benefits from the proposed operation include:
 - 1. Additional sales tax receipts occurring during the operation.
 - 2. Possible benefits to local businesses with increased opportunities for additional sales and revenues.
- B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons or injurious to property or improvements of the immediate area or the County as a whole. The potential risk factors have been identified and assessed as part of various federal and state environmental review processes.
- C. The proposed use will comply with the regulations and conditions specified in the County Code for such use.
- D. The proposed use conforms to the goals, policies and governing principles of the county General Plan.

and with the following conditions:

- 1. Company must be in compliance with 10-7-6 (above)
- 2. Implement safety programs as required by the Federal Mine Safety and Health Administration (MSHA), Utah Division of Oil, Gas & Mining (DOGGM) and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular mining operations.
- 3. Be responsible for its own site security.
- 4. Provide Millard County with evidence of bond compliance and liability insurance with state and/or federal agencies.
- 5. Allow authorized county officials the right to access the project site for the purposes of inspection, investigation or enforcement of all applicable regulations, laws or ordinances.
- 6. Due to potential increased traffic impacts on Millard County roads, Grantee shall initiate contact with and adhere to any requirements or directives of the Millard County Road Department Supervisor in order to negate or minimize any additional expenses for maintenance or any improvements deemed necessary to access the mining operation on county roads used for transportation to or from the site. Grantee shall provide adequate road maintenance and repair for any road damage or deterioration caused by Grantee during the life of the project with approval by the Millard County Road Supervisor.

Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

6. **DISCUSSION ONLY** on Application # Z-2012-009 for a Conditional Use Permit for a Therapeutic School located at 9431 N 400 West (Coats Road), McCornick. *This application has not been determined to be complete as the current code does not allow this type of facility in any zone, and because some signatures & adjacent property owners are still needed. The proposed new ordinance does provide for this type of facility in RF, AG-20, AG, and R1 zones

Greg Kesler introduced himself. He stated that he would like to get a permit for a therapeutic program. The state requires him to have a permit if he is going to have more than 3 boys living with him at a time. His plan is to have about 6-8 boys in his program.

Mr. Kesler stated that it is considered an outpatient rehabilitation program that people would enter after a three-month inpatient program to help them re-integrate into society.

Joyce Barney asked how old the boys are that are in the program. Mr. Kesler stated that they are 18 and older, mostly in their 20's.

Molly Stevens asked if the board is going to have to state in the conditional use permit the maximum number of people allowed in the program. The County Commissioner stated that the state would regulate that. Mr. Kesler stated that they do not wish to have as many people as they are allowed to have.

Mr. Kesler stated that some things their program requires, the state does not require.

David Sturlin asked where they are located. Mr. Kesler stated they are located 7 miles NW of Holden, straight East of Bill Wright's dairy.

Mr. Kesler stated that they have been doing this type of program for about 20 years and that it has been very rewarding seeing the change in the boy's lives.

Gordon Chatland thanked him for his time and information. The County Planner stated that the application is now complete and that they will be put on the agenda for the next meeting on June 4th.

7. **POSSIBLE CLOSED MEETING PURSUANT to UTAH CODE ANNOTATED SECTION 52-4-4&5.**

The board discussed what bonds have previously been issued in the past.

8. ADJOURNMENT

David Sturlin made a MOTION to adjourn. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. Meeting adjourned at 8:27p.m.

Robin Smith, Chairman
Millard County Planning Commission