

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
November 4, 2014**

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

**PRESENT:** Joyce Barney .....Planning Commissioner  
Brent Blake .....Planning Commissioner  
Molly Stevens .....Planning Commissioner  
David Sturlin ..... Planning Commission Vice Chairman  
Greg Greathouse .....Planning Commissioner  
Gordon Chatland ..... Planning Commission Chairman

**EXCUSED:** Gary Walker .....Planning Commissioner

**ALSO PRESENT:**

Sheryl Dekker ..... Millard County Planner  
Richard Waddingham ..... Millard County Attorney  
Angi Meinhardt..... Secretary  
Bruce Parker .....Planning & Development Services, LLC  
Scott Barney ..... Millard County Resident  
Gibson Lewis ..... Applicant  
Shiloh Lewis ..... Applicant  
Clyde Bunker ..... Millard County Resident  
Clark Mortensen ..... Millard County Resident  
Dean Draper ..... Millard County Resident  
Wendy Chatland ..... Millard County Resident  
Jack Johnson..... Millard County Resident

**1. Welcome, Call to Order**

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

**2. APPROVAL OF MINUTES – October 1, 2104**

The proposed minutes of the regular Planning Commission meeting held October 1, 2014 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commission Vice Chairman David Sturlin made a MOTION to approve the minutes for October 1, 2014 as corrected. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW and POSSIBLE APPROVAL of P-2 PERMITTED USE PERMIT #Z-2014-041 for a Temporary Dwelling Unit for Property Located at 1995 N. Jones Road, Delta Grid. Edward Payne and Shonna Payne – Applicant/Owners.**

Millard County resident Clyde Bunker was concerned if the parcel was going to be divided. Millard County Planner Sheryl Dekker confirmed that the parcel cannot be divided. She also stated that initially the applicant was wanting to divide the land below the parcel, but the applicants have changed their mind about dividing the land.

Millard County Planner Sheryl Dekker stated that there is an existing home on the parcel that the owners are wanting to remodel. During the duration of the remodel they are wanting to live in a mobile home on the property for no more than 180 days. After the remodeling is complete, they will then move the mobile home on to another parcel that the applicants believe they also own.

Planning Commissioner Brent Blake asked if there is someone currently living in the home that the applicants are wanting to remodel. It was uncertain if anyone was currently living in the home.

Planning Commissioner Joyce Barney asked if we could table this application to the next meeting so the Commission can ask the owners some questions about this application.

Clyde Bunker approached the Commission and stated that the house is too close to the road to be inhabited. Planning Commissioner Joyce Barney is concerned if it can even be a legal residence. Commissioner Greg Greathouse expressed concern that it could be an illegal taking to not allow it to be inhabited as a legal nonconforming use.

Planning Commissioner Greg Greathouse made a MOTION to table the application #Z-2014-041 to the next available meeting. Planning Commissioner Brent Blake SECONDED the motion. The voting was unanimous in the affirmative.

**Note: on 11-18-2014 Agenda item cancelled by applicant**

**4. REVIEW and POSSIBLE RECOMMENDATION of MINOR SUBDIVISION APPLICATION #Z-2014-042 for property located at 1855 N 500 W, Delta Grid. Gibson Lewis and Shiloh Lewis – Applicants. Delta Land Holding Company, LLC - Owner.**

Gibson Lewis approached the Commission. He stated that he and his family are wanting to build a home on 1.25 acres that was deeded to him by his father. Bruce Parker then asked Mr. Lewis if he will create a separate lot of record.

Gibson Lewis confirmed that he will have it recorded separately from his father's 141 acres.

Planning Commissioner Brent Blake asked if there is going to be any other sheds or corals on these 1.25 acres. Gibson Lewis stated that later on he might put a shop or a garage on the land, but they are not doing so at this time.

Planning Commissioner Greg Greathouse asked if the title for this home will be in the applicants' name or a business name. Gibson Lewis stated that it will be in their personal names. Planning Commissioner Greg Greathouse then stated that Gibson Lewis needs to put the water well in the same name as the property to tie them together and keep the water rights with that home.

Planning Commissioner Vice Chairman David Sturlin asked Mr. Lewis if there is an easement for the access road on this minor subdivision. Gibson Lewis confirmed that there is an easement for the property. Planning Commissioner Brent Blake verified that the easement goes east along Edward Lyman's property. Gibson Lewis stated that there is a road already in place East of Mr. Lyman's property.

Planning Commissioner Joyce Barney stated that the applicant will need to get the water rights moved to the well on the property. Bruce Parker confirmed that one of the conditions for this application is to get an easement deeded into perpetuity on the property.

Planning Commissioner Joyce Barney made a MOTION to make a favorable recommendation to the Board of County Commissioners for application #Z-2014-042 subject to the water right be transferred to the location of the parcel, along with easement to access the Minor Subdivision located at 1855 N 500 W Delta Grid. Planning Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

5. **PUBLIC HEARING for Purpose of Receiving Public Comment on Proposed Amendments to the Millard County Code – Title 10, Chapter 23 – Enforcement.** These amendments are being proposed to provide for corrections, errors and oversights in the existing ordinance that was adopted in December, 2012 with an effective date of January 1, 2013. Millard County – Applicant. Application #Z-2014-034.

Planning Commission Vice Chairman David Sturlin made a MOTION to open the Public hearing for Title 10, Chapter 23 – Enforcement. Planning Commissioner Greg Greathouse SECONDED the motion. The public hearing opened at 7:35pm

Jack Johnson approached the Commission and asked if there is a copy of the revised language that he could view. Jack Johnson was then given a copy of the draft of the Enforcements.

Millard County Commissioner Daron Smith had some comments on the draft and suggested changes in the wording in the enforcements. There was some more discussion among the Commission about the wording and more changes to this draft of Title 10, Chapter 23.

Bruce Parker made a suggestion to leave the public hearing open until November 12, 2014, so the public could review the Codes and have better input on some suggestions and changes that need to be made.

Planning Commission Vice Chairman David Sturlin made a MOTION to leave the public hearing open for any written suggestions until 5:00 pm on November 12, 2014. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

6. **REVIEW and POSSIBLE RECOMMENDATION to The Board of Millard County Commissioners Regarding Proposed Amendments to the Millard County Code – Title 10, Chapter 23 – Enforcement** to provide for corrections, errors and oversights in the existing ordinance that was adopted in December, 2012 with an effective date of January 1, 2013. Millard County – Application #Z-2014-034.

Bruce Parker stated that we need to make a few more changes with the language and have it corrected for the next Planning Commission meeting. Planning Commissioner Chairman Gordon Chatland stated that the Review and Possible Recommendation will be tabled to the next available meeting due to the Public hearing being extended for written suggestions until November 12, 2014.

7. **CONTINUE DISCUSSION** Regarding Shared Wells

Planning Commissioner Vice Chairman David Sturlin made a MOTION to table this discussion to the Planning Commission meeting that will be held in January. Planning Commissioner Greg Greathouse SECONDED the motion.

8. **CONTINUE DISCUSSION** Regarding Title 10-18-24: Animal Confinement Activities (AFO and CAFO)

Bruce Parker approached the board about this discussion. He stated that he has provided a copy of Rule R317-8-10 for the Commission to look over and discuss. Bruce Parker then discussed and recommended a few things that he thinks the Commission should look into changing. He then gave some examples of the new state use definitions. Bruce Parker then stated that the definitions have been changed to more simple definitions.

Bruce Parker suggested that the applicant should be the one to contact the state and determine if the application should be considered an AFO or CAFO.

Planning Commissioner Brent Blake asked how the new Animal Feeding Operation Use affects the land lessor if the animals are there for more than the 45 days. Planning Commissioner Greg Greathouse replied to the question by stating that it will fall under the Animal Feeding Operation line (b) Crops vegetation, forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Along with that definition, Bruce Parker then explained that as long as the lessor is not feeding the animals and the animals are just eating the remainder of the crops, then it will not fall under these definitions.

Bruce Parker stated that he needs to get with Don Hall from the state and reword some of the definitions as to AFO's and CAFO's. Planning Commissioner Greg Greathouse stated that he prefers that the County quotes the code of federal regulations. Bruce Parker stated that there is still a lot of drafting that needs to be done.

Planning Commissioner Greg Greathouse stated that he would prefer that these applications go through Millard County Planner Sheryl Dekker. She can then determine whether to have the applicant contact the state for a categorization of an animal feeding operation (AFO) or concentrated animal feeding operation (CAFO), or if she can determine the definition on her own.

Planning Commissioner Joyce Barney asked if the applicant is a small AFO and they want to expand are they obligated to follow the new code. Planning Commission Chairman Gordon Chatland responded by stating that any applicant that is changing anything will be obligated to follow the new code that has taken place.

## **9. PLANNING and ZONING ADMINSTRATOR'S REPORT**

- A. Decision by Board of Millard County Commissioners on AFTER-the-FACT MINOR (NON PLAT) SUBDIVISIONS APPLICATION #Z-2014-029 – Brett A. & Jalee H. Eliason – Owners.
- B. Decision by Board of Millard County Commissioners on MAP ZONE CHANGE APPLICATION #Z-2014-030 from AG20 (Agriculture 20 acre) and RF20 (Range & Forest 20 acre) (multiple zones) to HI (Heavy Industrial) – Magnum Holdings, LLC- Applicant. Utah State School and Institutional Trust Lana Administration (SITLA)

Millard County Planner Sheryl Dekker reported that both applications (#Z-2014-29 and #Z-2014-030) have been approved by the Board of County Commissioners (BOCC).

## **10. OTHER BUSINESS**

Millard County Planner Sheryl Dekker stated that the commission needs to get a few things on our next agenda. She is aware of an application from Magnum to amend their conditional use permit to separate their NGLS operation from their natural gas operation. Millard County Planner Sheryl Dekker will be talking to Magnum to see if we could add them to the January agenda. Bruce Parker stated that he and Millard County Planner Sheryl Dekker will look at Magnum's conditional use permit agreement and see what needs to be discussed on this before they make a decision on the next meeting.

Millard County Planner Sheryl Dekker suggested that if we do not have any applications for a December Meeting then everything will be postponed until January's meeting.

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

**12. ADJOURNMENT**

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:24 pm.

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Dated this 3<sup>rd</sup> day of December 2014  
Gordon Chatland, Chairman  
Millard County Planning Commission