

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
June 3, 2015**

The Millard County Planning Commission met on Wednesday June 3, 2015 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** David Sturlin ..... Planning Commission Chairman  
Gary Walker ..... Planning Commissioner Vice Chairman  
Joyce Barney ..... Planning Commissioner  
Molly Stevens ..... Planning Commissioner  
Tom Nielson..... Planning Commissioner

**EXCUSED:** Sheryl Dekker ..... Millard County Planner  
Jodi Robison ..... Planning Commissioner  
Greg Greathouse ..... Planning Commissioner

**ALSO PRESENT:**

Angi Meinhardt..... Secretary  
Dean Draper ..... Millard County Commissioner  
Bruce Parker ..... Planning & Development Services, LLC  
Nels Anderson ..... Millard County Resident  
Mary Anderson ..... Millard County Resident  
Kary Kesler ..... Applicant  
Jim Withers ..... 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 with Millard County, Utah as required by law, the following proceedings were had:

**1. Welcome, Call to Order**

Planning Commission Chairman David Sturlin called the meeting to order at 7:11p.m. He welcomed all present.

**2. APPROVAL OF MINUTES –**

The proposed minutes of the regular Planning Commission meeting held May 6, 2015 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for May 6, 2015 as corrected. Planning Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW and POSSIBLE RECOMMENDATION** of Recreational Subdivision Application # Z-2015-010 by Kary G. Kesler and Susan Kesler for property located in the foothills southeast of Fillmore. Kary G. Kesler and Susan Kesler – Petitioner/Owner.

Kary Kesler approached the Commission for discussion on application. Commissioner Joyce Barney asked how this would be defined in the Millard County Ordinance, and what does it fall under. Planning Commission Chairman David Sturlin asked the commission to look at the analysis on the staff report to answer the question. He then read analysis out loud. The subject property is located in the foothills southeast of Fillmore. The zoning of the property is AG20 (Agricultural 20-acre). Commissioner David Sturlin also stated that there is currently no water, sewer or power facilities on the property. He gave a brief outline of code 11-5-1: Recreational Subdivisions and stated that this application fits this code.

Commissioner Joyce Barney reads Recommendation 2-B. She asked for a definition of Temporary use. Planning Commissioner Molly Stevens stated that the definition for Temporary Use is in the code. Planning Commission Vice Chairman Gary Walker suggested to add the definition of Temporary use to the reasonable conditions. There was some discussion on the occupancy time limit for this application.

Commissioner Molly Stevens asked what the full width is on the county road. Commissioner Gary Walker answered it depends on the occupancy of the property.

Commissioner Molly Stevens asked if there needs to be an easement retained to the maps. Deputy County Attorney Richard Waddingham stated that if an easement is established it has to be approved by the county. There was some discussion about one of the roads on the map being a county road or private road. Mr. Kesler stated that it is a private road. But his intention is to have the easement in place and recorded. Commissioner Walker asked if we should make that a condition. Attorney Richard Waddingham stated these are streets on the provided map not easements. Commissioner Walker suggested adding the condition to provide an access road for each lot.

Attorney Richard Waddingham reads part of 11-5-1 B: The County shall determine what policies should be followed to ensure that such subdivisions will remain recreational subdivisions and will not readily be converted to year round living. Commissioner Barney asked how the county can stop it from being permanent use and not just temporary use. Bruce Parker stated that anything can be permanent. Attorney Richard Waddingham stated that if someone applies for a water right on a recreational subdivision the water would be limited. In this case they would never get enough water for a permanent residence.

Planning Commissioner Tom Nielson asked if it becomes a recreational subdivision can it later on have permanent housing. Attorney Richard Waddingham stated they cannot be readily converted to a permanent residence. Mr. Kessler stated that he has told the potential buyers that there is no water on the property.

Commissioner Gary Walker asked what the emergency response responsibility is for these remote areas. Attorney Richard Waddingham stated that the emergency response teams can only do what they would do for any other residence. Mr. Kesler gave a description about the area. He stated it is in a remote area but it is on a good gravel road and it is very easy to get to.

Commissioner Molly Stevens asked if the ordinance stated that property owners will have to front a county road. Attorney Richard Waddingham verified that in this case the owners would not have to front a county road. Bruce Parker stated that all owners must understand that potentially this is recreational property only.

There was some discussion if in the future the property owner could get a building permit and use for temporary use if they have complied with all the building permit requirements. Attorney Richard Waddingham stated the verbiage would need to be on the deed. Commissioner Joyce Barney suggested we add a condition that Richard Waddingham provides the verbiage for Mr. Kesler on the deed.

Millard County Commissioner Dean Draper stated that since it is recreational property we should allow up to 180 days in a calendar year, so if they would like to stay for the summer it would still be temporary use. Commissioner Tom Nielson proposed that the recommendations state no more than 90 continuous days. Commissioner Walker stated that the reason and purpose this ordinance was created was when IPP was being built and they didn't want trailers all over the county. They wanted to limit these trailers to the RV parks.

Commissioner Molly Stevens suggested to modify the Additional Restrictions on the staff report and strike recreational vehicles and travel trailers only allowed. Commissioner Tom Neilson agreed with Commissioner Molly Stevens. They stated that the property owners should be allowed to put a permanent structure on the property as long as they are not using this as a permanent residence. It must meet the requirements for a building permit. Attorney Richard Waddingham suggested that this application needs more restrictions.

Commissioner Joyce Barney asked Mr. Kesler if the Commission could further discuss this application and table this to the next meeting. Mr. Kessler stated that he has some potential buyers and would like an approval today.

Commissioner Tom Neilson made a MOTION to approve the Recreation Subdivision application # Z-2015-010 including the recommended condition items in 2: A-D as listed on the staff report, and add the following conditions:

1. No more than 120 days of occupancy annually.
2. Deputy County Attorney is to draft the verbiage to be placed on the deed.
3. Strike the restriction of Recreational vehicles and travel trailers only allowed. Add that any recreational vehicles and travel trailers be allowed on a temporary basis, and not to be installed permanently with any permanent hookups or permanent intent.
4. Permanent structures will be allowed if they meet the Millard County standard requirements of water, power, sewer and access road.

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

Commissioner Joyce Barney stated they can not issue any deeds without the verbiage added to them.

4. **BRUCE PARKER** - Review only of Millard County Subdivision Ordinance (Update Draft) including Non-Plat Subdivision standards, definitions, review and approval procedures, and land use authorities.

Bruce Parker approached the Commission. He discussed the proposed draft of the subdivision ordinance. This draft includes the 3 different types of subdivisions, including non-plat subdivision, minor subdivision, and agricultural land subdivision.

Mr. Parker went over the procedures for a non-plat subdivision. He stated that non-plat subdivisions is used for dividing parcel into 10 lots or less including any area of the original parcel which shall be included within a lot. The applications are then reviewed by the County planner for completeness. After that approval the application is transmitted to the Commission, as the land use authority. At that time the Commission denies or approves with reasonable requirements. The reasonable requirements identified are then recorded in the Millard County recorder's office within 90 days of approval.

Mr. Parker then discussed procedures for a minor subdivision. He stated that the Owner presents recordable deed containing the legal description of the minor subdivision lot and owner's notice containing; the legal description of the land to be divided and minor subdivision lot that is not less than one acre and is not located within 1,000 feet of another minor subdivision lot. Commissioner Molly Stevens asked if it mattered what zone the land is in. Mr. Parker confirmed that it does not matter what zone it is in. Commissioner Joyce Barney asked if there is a way that the County Recorder can identify that description. Mr. Parker stated that the County Recorder can record the description along with an owners notice. Mr. Parker stated that this is a state law and the county cannot be any more

restrictive. He then stated that the county can't deny the building permit if it meets all the requirements from the County Code.

Mr. Parker then reviewed the agricultural land subdivision application. The Planning Commission is authorized as the Land Use Authority responsible to approve, approve with revisions and conditions, or deny the application.

There was some discussion if this land could qualify for a building lot. Mr. Parker stated that the applicant can convert this land in to a plat or non-plat subdivision after agricultural land has been divided if it meets all the requirements and they go through the procedures with the Commission.

There was some discussion about the culinary drinking systems within the county and state codes. Attorney Richard Waddingham stated that most of the water systems that the county has to deal with are minor and they would not need to get approval from anyone. Mr. Parker stated that the health department would need to review these systems. Commissioner Tom Nielson stated that John Chartier with Environmental Quality from Richfield came to a Planning Commission meeting a few months ago and stated that there is a gray area with these systems. John Chartier also stated that they are trying to promote more control over these systems. The Environmental Quality office is trying to define the gray areas by reaching out to the Planning Commissioners in the rural areas to create some kind of protection.

There was more discussion on the water and sewer standards with the Commission. Mr. Parker suggested that we get a committee together before the July meeting. Mr. Parker stated he will leave the document for the Commission to review, and for the subcommittee members to get an idea of what they will be discussing.

**5. DISCUSSION and POSSIBLE DECISION on TIME CHANGE for MEETINGS – Change to 6:00 p.m. on first Wednesday of each month.**

There was some discussion about changing the time of the meetings or leaving it at 7. The Commission decided to change the meetings to 6:30 pm.

Commissioner Joyce Barney made a MOTION to change the regular scheduled Planning Commission meetings to 6:30 pm. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

Commissioner Gary Walker stated that the Planner will have to republish the meeting times.

**6. PLANNING and ZONING ADMINISTRATOR'S REPORT**

Discussion Regarding Language in 2005 Land Use Ordinance Regarding Recreational Vehicles and Travel Trailers – Mobile Home Parks and RV Parks

- Set for Public Hearing July 1, 2015

The County Planner was unavailable at this meeting due to illness.

Planning Commissioner Tom Nielson made a MOTION to table this agenda item to the next available meeting. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

Nels Anderson approached the Commission. He stated that he has purchased some property in Sutherland. In the future he is wanting to put a small poultry processing facility next to their home. He was concerned if the county is going to proceed with a moratorium on any poultry facilities due to the Avian Influenza virus. Millard County Commissioner Jim Withers stated that at this time there is not a moratorium in place, but it is on the County Commission agenda for next Tuesday June 9, 2015. Millard County Commissioner Jim Withers stated that they have not determined as to what extent the moratorium would be if any.

Mr. Anderson would like to give some beneficial information about avian influenza. Commissioner Molly Stevens stated that he should give this information to the BOCC (Board of County Commissioners).

Commissioner Gary Walker stated that Mr. Anderson would need to get his conditional use permit in place before he started his process with the facility. Mr. Anderson verified that he has talked to the Millard County Planner to make sure that he is able to meet all the zoning requirements for his facility.

Mr. Anderson asked the Commission if his application would be thrown out or entertained. He is not wanting to spend a bunch of money if his application would just get denied. Commissioner David Sturlin stated that the Commission will be finding out on Tuesday at the BOCC meeting. We will be able to give him more answers after that meeting. Commissioner Molly Stevens stated that if his application meets all the requirements and conditions, his application would get approved. Mr. Anderson stated he will be attending the BOCC meeting on Tuesday June 9, 2015.

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

Planning Commissioner Gary Walker made a MOTION to adjourn. Planning Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 9:21 pm.

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Dated this \_\_\_ day of \_\_\_\_\_ 2015  
David Sturlin, Vice Chairman  
Millard County Planning Commission