

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 5th, 2020**

The Millard County Planning Commission met on Wednesday August 5, 2020 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT:

John Nye.....Planning Commissioner
David Sturlin Planning Commission Chairman
Matthew KeslerPlanning Commissioner
Greg GreathousePlanning Commissioner

EXCUSED:

Joyce Barney Planning Commission Vice Chairman
Demar IversonPlanning Commissioner
Tom Nielson.....Planning Commissioner

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Blake Campbell.....Applicant
Luarie Jackson..... Millard County Resident
Mike Jackson Millard County Resident
Casey JacksonApplicant
Ashlyn Jackson.....Applicant
Randie SmithApplicant
Greg Smith.....Applicant
William Ashby Millard County Resident
Cade Riding Millard County Resident
Roger Killpack.....Applicant
Brett Bunker Millard County Resident
Phil Morrison..... Millard County Resident

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 within Millard County, Utah as required by law, the following proceedings were had:

- 1. WELCOME, CALL TO ORDER –** Chairman David Sturlin.

Planning Commissioner Chairman David Sturlin called the meeting to order at 6:30 pm. He welcomed all present.

2. PUBLIC INPUT

No Public input at this time.

3. PUBLIC HEARING—Application #Z-2020-023 for a C-2 Conditional Use Permit to conduct Surface Mining near Pahvant Butte. Romeo Ciuperca, PVT Materials—Applicant

Commissioner John Nye made a MOTION to open public hearing for application #Z-2020-023. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 6:31 pm.

Applicant Romeo Ciuperca gave a description of his project and material that he will be mining. He stated they will not be processing any material on site. He then stated that 95% of the material will be harvested.

There was discussion of the required bonding by SITLA and if we could add a condition for additional bonding if necessary.

Commissioner Mattew Kesler made a MOTION to close the public hearing. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

4. DISCUSSION and POSSIBLE RECOMMENDATION—Application #Z-2020-023 for a C-2 Conditional Use Permit to conduct Surface Mining near Pahvant Butte. Romeo Ciuperca, PVT Materials—Applicant

Planner Adam Richins stated a significant portion of this application is the traffic that will need to be discussed with the road department.

There was discussion of recommendation number 8, Necessary Conditional Use Permit Modifications.

There was more discussion of reclamation bonding.

Commissioner David Sturlin made a MOTION to send a favorable recommendation to the BOCC on application Z-2020-023 with the following recommendations:

1. Approve the C-2 Conditional Use permit for surface mining with reasonable conditions.
2. Basis for Issuance of a conditional use permit.
 - 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, heights, 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 in a manner that will not be detrimental to adjoining and surrounding properties.
 - f) The proposed use complies 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. (Ord. 12-12-04, 12-04-2012)
3. Approve the permit with the following reasonable conditions:
- 1. **Federal and State Permitting Requirements.** Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this decision shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that it authorizes the use of the subject premises in the matter authorized herein.
 - 2. **Plans to be on File.** Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all permits or plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the surface mining project.
 - 3. **Required Reporting to be on File.** Required compliance reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the surfacing mining. Developer shall provide notice to the BOCC, County Attorney, County Planner and County Representative of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.
 - 4. **Documents to be on File.** Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner documentation that Developer is in compliance with applicable Federal

or State Agency requirements relating to the construction and operation of the project

5. **Insurance.** Developer shall provide a list of all project specific coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Developer shall provide updated lists from time to time as needed to reflect current changes in insurance coverage(s).
6. **Warning Signage.** Developer shall provide warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.
7. **Road Agreement.** Developer shall enter into a road construction and maintenance agreement with Millard County prior to commencing construction of the project.
8. **Necessary Conditional Use Permit Modifications.** The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (#Z-2020-023) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.
9. **Amendments.** All changes and modifications to this Conditional Use Permit, and not determined to a minor facility plan modification, shall be considered by required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.
10. **Incorporation by Reference.** All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.
11. **Inconsistencies and Ambiguities.** Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.
12. **Recordation.** Upon the approval of Conditional Use Permit # Z-2020-023, this permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on filed in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, County representative, and Developer.
13. Additional bonding may be required if determined by the progress of the project.

Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE APPROVAL—Application # Z-2020-025 for a Non Plat Subdivision near 3000 N 7000 W (Abraham) creating a 2.55 acre parcel from portions of a 130 acre parcel and a 50 acre parcel. Casey & Ashlyn Jackson, Applicants

Applicant Casey Jackson approached the Commission and gave a description of the application. Casey Jackson stated they have existing power and water and they will be getting a septic system.

There was discussion of the existing well owned by his parents Lauri and Mike Jackson, but once the applicants are ready, they will be drilling a new well and all the rights from the preexisting well will be transferred to the applicants. The existing well will only be used for this home.

Commissioner John Nye stated he visited the property and nothing is really changing other than getting the land changed to be able to put a home on the property.

Commissioner John Nye made a MOTION to approve application Z-2020-025 as conformance to the General Plan:

Goal: Provide adequate, affordable and safe housing opportunities for all residents.

Objective: Residential development will occur in a manner that is consistent with the County's cultural values and rural lifestyle

Implementation Strategies:

- Encourage residential development to occur within developed areas in order to prevent unnecessary sprawl
- Encourage residential growth and design that complements the County's – small town atmosphere.
- Encourage neighborhood design that provides safe traffic circulation, attractive landscaping and quality physical improvements.
- Develop housing consistent with community and county standards and goals.
- Enforce adopted building codes and subdivision regulations on a consistent basis.
- Promote good design and a pleasant and healthy environment in mobile home parks.
- Develop housing strategies for development in the unincorporated areas of the County.

Commissioner Greg Greathouse **SECONDED** the motion. Voting was unanimous in the affirmative.

6. PUBLIC HEARING—Application #Z-2020-022 to amend the Development Standards for Primary Buildings and Structures & Detached Accessory Buildings and Structures located in Title 10, Chapter 25-2, Appendix B-1 and Chapter 25-3, Appendix B-2 of the Millard County Zoning Ordinance, to:

- a. Provide for building setback requirements to be established specific to subdivisions.
- b. Establish building setbacks in the Sherwood Shores Subdivision

Commissioner David Sturlin made a MOTION to open public hearing for application #Z-2020-022. Commissioner Matthew Kesler SECONDED the motion. Public hearing opened at 7:05 pm.

Applicant Roger Killpack approached the Commission. He stated this is a follow-up from a past issue. They have tried to comply with similar zoning that occurs in the Delta City Limits. They have discussed these setbacks with the HOA members in the Subdivision. He stated for the most part everyone out in the subdivision are in agreement.

Commissioner John Nye made a MOTION to close public on application #Z-2020-022. Commissioner Greg Greathouse SECONDED the motion. Public hearing closed at 7:08 pm.

7. REVIEW and POSSIBLE RECOMMENDATION—Application #Z-2020-022 to amend the Development Standards for Primary Buildings and Structures & Detached Accessory Buildings and Structures located in Title 10, Chapter 25-2, Appendix B-1 and Chapter 25-3, Appendix B-2 of the Millard County Zoning Ordinance, to:

- a. Provide for building setback requirements to be established specific to subdivisions
- b. Establish building setbacks in the Sherwood Shores Subdivision

Commissioner Greg Greathouse asked the planner if some of these setbacks are already in the code. There was discussion on 10-25-2: Appendix B-1. There was discussion of having basic standards for subdivisions for fire hazard reasons because of the size of the setbacks out in Sherwood Shores. Planner Adam Richins stated we could add that to be presented to the BOCC.

Commissioner Greg Greathouse would like to delay this a month and get some setbacks for these things to allow some space.

Commissioner Greg Greathouse made a MOTION to table this application to the next Planning and Zoning meeting to develop setbacks for this kind of situation.

Bill Ashby approached the Commission and stated they want to build out at Sherwood Shores and it is already an existing subdivision. Commissioner Greg Greathouse stated he does not have an objection with Sherwood Shores going forward but he wants to make more standard setbacks.

There was discussion that this does not distinguish Sherwood Shores from any other subdivisions. Planner Adam Richins stated that the desire for the growth to

happen around the cities will anticipate an annexation from the cities. We should not have different standards from the cities. Commissioner Greg Greathouse agrees with the fix for Sherwood Shores but he is concerned about the other subdivisions.

Commissioner Greg Greathouse made a MOTION to table application Z-2020-022 to next month's meeting. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

8. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2020-021 requesting to change the zoning of a 7.27 acre parcel located approximately 1.5 miles northwest of Sutherland from Agriculture (Ag) to Agricultural Industrial (AI) to allow for the permitting and subsequent construction of a Confined Animal Feeding Operation—G&R Livestock Inc., Applicant

Commissioner Greg Greathouse made a MOTION to open public hearing for application Z-2020-021. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public Hearing opened at 7:27pm.

Applicants Greg and Randi Smith approached the Commission. They stated they have been awarded a wild horse feeding contract. This will take in the existing operation and they will be adding on to the operation to the East.

Planner Adam Richins stated that the Commission is familiar with this type of operation and it is his understanding that a legal description was incorrect so the notice will need to be corrected and re posted.

Applicants Greg and Randi Smith gave description about the project.

Cade Riding approached the Commission, he is a neighbor of the applicants. He stated he is in full support of this project.

There was discussion of the amount of wild horses this operation will feed. Applicant Greg Smith is not sure of how many they will have at a time but the contract states that they will not have any more than 1000.

Bill Ashby approached the Commission. He is also a neighboring land owner. He also has no objection to this operation.

Commissioner Matthew Kesler made a MOTION to close the public hearing on application Z-2020-021. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous. Public hearing closed.

9. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2020-021 requesting to change the zoning of

property located approximately 1.5 miles northwest of Sutherland from Agriculture (Ag) to Agricultural Industrial (AI) —G&R Livestock Inc., Applicant

Commissioner John Nye made a MOTION to table application Z-2020-021 until the next meeting with the proper changes in the plan description and advertising. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

10. PUBLIC HEARING—Application #Z-2020-020 for a C-1 Conditional Use Permit to operate a Campground on property zoned Range & Forest (RF) located approximately ¼ mile southwest from the I-15 Cove Fort Exit and Black Rock Road. Blake Campbell, Applicant

Commissioner Matthew Kesler made a MOTION to open public hearing on application Z-2020-020 for a C-1 CUP. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:34 pm.

Applicant Blake Campbell approached the Commission and gave a description of the project. He stated all the sights will have water, power and sewer hookups.

Applicant stated that at this time they are only asking for 12 spots and if it goes well they will come back to the Commission to expand.

There was discussion of the access rout to the campground.

Gary Rohde approached the Commission. He stated he is a neighboring property owner, and he is not against the project but he would like it to be quality progress. His concern is he would hope that there would be a high-quality standard.

Commissioner Greg Greathouse made a MOTION to close the public hearing on application Z-2020-020 for a C-1 CUP. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:43 pm.

11. REVIEW and POSSIBLE APPROVAL—Application #Z-2020-20 for a C-1 Conditional Use Permit to operate a Campground on property located approximately ¼ mile southwest from the I-15 Cove Fort Exit and Black Rock Road. Blake Campbell, Applicant

There was a review of the staff findings.

There was discussion of the access.

Commissioner Greg Greathouse asked about tiny homes. Applicant defined more about the tiny homes and requirements. He then reads codes for campgrounds.

Applicant is not expecting people to stay full time in the RV's but some will be extended stay.

Commissioner John Nye made a MOTION to approve application #Z-2020-020 with the proposed reasonable conditions for approval of a campground located at ¼ miles southwest of I-15 Cove Fort exit and Black Rock Road.

- A. A Road Maintenance Agreement be established with Millard County for vehicular traffic on county roads.
- B. Adequate access for ingress and egress be improved to a minimum of 20' width to not less than the minimum standard for a county gravel road.
- C. Setbacks and property structures shall be substantially as described in the submitted site plan.
- D. Access to the property shall limited to a single driveway for ingress and egress.
- E. No Offsite parking shall be permitted.
- F. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- G. Signage shall comply with Millard County sign regulations.
- H. Site area lighting shall be downward directed.
- I. Owner shall be responsible for all site security.
- J. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval. Additionally, this permit may be reviewed at any time in the event of complaint or request from any surrounding property owner.

Commissioner Matthew SECONDED the motion. Commissioner Greg Greathouse apposed. The motion needs a minimum of 4 approvals to pass to obtain a quorum.

Commissioner Greg Greathouse would like to add that the Planning Commission reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (#Z-2020-020) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and /or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

Commissioner John Nye made a MOTION to approve application Z-2020-020 for a C-2 CUP, adding a reasonable condition to the proposed conditions as stated in the previous motion:

- K. The Planning Commission reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (#Z-2020-020) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and /or safety

of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

Commissioner Matthew Kesler **SECONDED** the motion. The voting was unanimous in the affirmative.

12. OTHER BUSINESS

There was no other business at this time.

13. APPROVAL OF MINUTES – July 8, 2020 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held July 8, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner John Nye made a MOTION to approve the minutes for July 8, 2020 as corrected. Commissioner Matthew Kesler **SECONDED** the motion. Voting was unanimous in the affirmative.

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

15. ADJOURNMENT

Commissioner Greg Greathouse made a MOTION to adjourn. Commissioner Matthew Kesler **SECONDED** the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2020
David Sturlin, Chairman
Millard County Planning Commission