

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
February 3, 2021**

The Millard County Planning Commission met on Wednesday February 3, 2021 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT:

John Nye.....Planning Commissioner
Bob Rogers.....Planning Commissioner
Peter GreathousePlanning Commissioner
Erin SorensonPlanning Commissioner
David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman

EXCUSED: Demar IversonPlanning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Denton Peterson..... Deputy County Attorney
Chuck CosgroveApplicant
Rick FowlesApplicant
Lisa Fowles.....Applicant
Liz TaylorApplicant
Sam Jacobson Millard County Chronicle Progress

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. Commissioner David Sturlin asked to move to agenda item 5 and 6 first.

2. DISCUSSION OAND POSSIBLE AMENDMENTS TO PLANNING COMMISSION BYLAWS

There was discussion of amending some of the Procedures-Order of Business (D). There was discussion to change the order of approving the minutes, also making the pledge of allegiance optional.

There was discussion on Organization 1. Appointment of Chair and Vice Chair. There was discussion to strike part of that statement. With it reading; The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair.

There was discussion of the length limit on the meetings, and the start time.

There was discussion on Procedure – Voting, # 8. Not to Vote Unless Present. Reworded so a Commissioner can appear electronically or telephonically as well as in person if needed.

Commissioner Bob Rogers made a MOTION to adopt the order as discussed. Commissioner Erin Sorenson SECONDED the motion. Commissioner Joyce Barney made a Motion to reconsider the motion. Commissioner Peter Greathouse SECONDED the reconsideration. Voting was unanimous in the affirmative

There was discussion on Procedure – Tie Votes, #6.

Commissioner John Nye made a MOTION to adopt the changed Rules of Order. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Rules of order have been changed and adopted.

3. DISCUSSION AND POSSIBLE REORGANIZATION OF PLANNING COMMISSION

Commissioner Peter Greathouse made a MOTION to sustain Commissioner David Sturlin as Chair and Commissioner Joyce Barney as Vice Chair. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative.

4. PUBLIC INPUT

No public input at this time.

5. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-004 for a Non-Plat Subdivision near 7255 N 6000 W dividing a 11.158-acre parcel from a 313.24-acre parcel. Chuck and Joanne Cosgrove, Applicants

Applicant Chuck Cosgrove approached the Commission and stated the proposal of the application. He showed a map of the parcel that he wants to separate.

Commissioner Peter Greathouse made a MOTION to approve application #Z-2021-004 for a Non-Plat Subdivision including the recommendations and conditions:

RECOMMENDATION

1. Approve the Non-Plat Subdivision dividing the 313.4 acres into 2 separate legal parcels.
 2. Basis for the Recommendation or Approval of the Minor Subdivision:
11-3-1: Mini Subdivisions
- A. Conditions: any property owners or an owner's agent (hereinafter a "property owner") may submit to the County Recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer parcels, without the necessity of recording a final plat if:
1. The Planning Commission has reviewed the document and has given the County Commissioners its recommendation on the subdivision application; and
 2. The document contains a certification of approval signed by the chairman of the County Commissioners or his designee that:
 - a. The Planning Commission has given the recommendation of the County Commissioners;
 - b. The subdivision is not traversed by the mapped lines of a proposed street as shown in the master plan and does not require the dedication of any land for streets or other public purposes;
 - c. Each parcel in the subdivision meets the minimum area, width, access, and frontage requirements of the zone in which the property is located, or has been granted a variance from those requirements by the Board of Adjustment.
- B. Use Restrictions: The uses on parcels created under this section must be either permitted or conditional uses in the zone district in which they are located. Non plat subdivisions which result in the creation of three (3) or fewer lots will be presumed to be for the primary purpose of supporting agricultural uses rather than for primarily residential purposes.
- C. Lot Size: The sizes of the lots created in a three (3) or fewer lot, non-plat subdivision may be smaller than the minimum lot size required in the zone in order to preserve agricultural land uses.
- D. One Time Process; Information on Deed: This special provision may be utilized only once per parcel of property. Parcels of land which are subdivided under these special circumstances must be deed restricted with a notation on the documents of conveyance that this one-time election has been exercised and that the resulting parcels may not be further subdivided without recordation of an approved subdivision plat. The deed restriction shall also contain a statement that subsequent owners of the created parcels are on notice that the parcels are in an agricultural zone, were created for the support of agricultural activities, and may be subject to the noises, odors and other conditions typical of agricultural activities. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION—Application # Z-2021-003 for a Plat Subdivision at approximately 4000 W 4000 S Delta (Deseret). Lisa and Rick Fowles, Applicants

Applicant Lisa Fowles approached the Commission and stated her proposed application.

There was discussion of why this is a platted subdivision.

Commission viewed the area on a map and applicant gave more statement and description of the proposal.

Commissioner David Sturlin went over recommendations listed in the staff report.

There was discussion that the water and power are fairly close already to the property. Applicant also stated they will have to get a fire hydrant on that road as well.

Commissioner John Nye made a MOTION to make a favorable recommendation to the BOCC on application # Z-2021-003 for a plat subdivision under the general requirements.

11-4-1 GENERAL REQUIREMENTS:

- A. Preservation of Natural Features: The design and development of subdivisions shall preserve, insofar as possible, the natural terrain, natural drainage and existing topsoil and major vegetation. No vegetation removal, grading or other changes to the terrain shall be permitted until the final plat of the subdivision is recorded, unless a specific waiver of this requirement, as described in section 11-2-5 of this title, is first obtained from the planning commission.
- B. Hazardous Conditions: Land subject to hazardous conditions such as steep slopes, landslides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods and polluted or unusable water supply shall be identified and shall not be approved for subdivision until the hazards have been appropriately addressed by subdivision and construction standards.
- C. Removal of Debris and Waste: All debris and waste shall be removed from lots and street rights of way prior to construction of improvements thereon.
- D. Surface Water Drainage: The subdivision plan shall make adequate provision for the relocation of active irrigation ditches and shall adequately provide for removal of return flow waters from adjacent farmlands. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

C. Final Plat:

- 1. Time Limit for Submission: A final plat shall be submitted for review by the planning commission within twelve (12) months from the date of planning commission action on the preliminary plat. No final plat will be accepted for review and approval after one year from the date of planning commission

approval of preliminary plat unless the property owner has requested and been granted an extension by the planning commission.

2. Phased Developments:

a. The final platting of a subdivision containing more than twenty-five (25) lots shall be done in phases, except as provided herein. Each phase shall consist of the number of lots for which required subdivision improvements can be completed within a two (2) year period, or twenty-five (25) lots whichever is larger. The phase development shall be sequential, and the required improvements shall be made available for the full, effective and practical use of all the lots created in the phase approved before additional phases will be approved.

b. When required phase improvements have been one hundred percent (100%) completed within the boundaries of the recorded plat, and have been approved by the county surveyor, and when lot owner improvements have been completed on seventy percent (70%) of the lots in the phase, the property owner may submit the next phase of the proposed subdivision for review in accordance with the requirements of this title.

3. Required Documents:

The final plat shall include and be accompanied by the following:

- a. An exact copy of the certificate of a title company or attorney which shall set forth mortgages, judgments, liens, easements, contracts, and agreements of record which affect the subject property for review by the county attorney or his designee.
- b. A certificate of property tax clearance from the county assessor indicating that all taxes, interest, and penalties owing on the subject property have been paid;
- c. Surety for the installation of required subdivision improvements in the form of an escrow, performance bond, letter of credit as approved by the county attorney and accepted by the county commissioners;
- d. The final plat shall contain signature blocks for approval by the chair of the planning commission, chair of the county commissioners, county engineer, and the county attorney.

4. Approval Prior To Construction Activities:

No vegetation removal, grading, improvements or construction shall commence on the subject property until the final plat has been approved by the county commissioners, the required surety for installation of required subdivision improvements has been posted with the county, and the final plat has been properly recorded with the county recorder. These requirements may be specifically waived by the planning commission upon a showing of extraordinary circumstances. Any vegetation removal, grading or construction on the subject property prior to approval and recordation of the final plat, or without the waiver of the planning commission, may constitute grounds for vacation of the subdivision plat.

5. Completion of Improvements:

All required subdivision improvements shall be completed within two (2) years of the date of approval by the county commissioners.

6. Expiration of Unrecorded Plats:

Unrecorded final plats shall expire one year from the date of approval by the county commissioner, and shall not be entitled to recordation after that time. (Ord. 01-08-27A, 8-27-201, eff. 10-8-2001)

Commissioner Bob Rogers **SECONDED** the motion. Voting was unanimous in the affirmative.

7. OTHER BUSINESS

Planner Adam Richins discussed CUPs and gave an overview on CUPs.

Commissioner Dean Draper also discussed CUPs. There was discussion of the difference between a public hearing and a public meeting.

There was then discussion on Zone Change hearings and applications.

There was discussion of having another meeting in 2 weeks to get some applications taken care of.

Commissioner Peter Greathouse made a **MOTION** to waive the 20-day agenda filing deadline for the next meeting that will be scheduled for approximately two weeks from today. Commissioner Bob Rogers **SECONDED** the motion. Voting was unanimous in the affirmative.

8. APPROVAL OF MINUTES –January 6, 2021 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held January 6, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barny made a **MOTION** to approve the minutes for January 6, 2020 as corrected. Commissioner Bob Rogers **SECONDED** the motion. Voting was unanimous in the affirmative.

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

10. ADJOURNMENT

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ____ day of _____ 2021

David Sturlin, Chairman
Millard County Planning Commission