

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
February 24, 2021**

The Millard County Planning Commission met on Wednesday February 24, 2021 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:**

John Nye.....Planning Commissioner  
Bob Rogers: Via Telephone.....Planning Commissioner  
Peter Greathouse .....Planning Commissioner  
David Sturlin ..... Planning Commission Chairman  
Joyce Barney ..... Planning Commission Vice Chairman  
Demar Iverson .....Planning Commissioner

**EXCUSED:** Erin Sorenson .....Planning Commissioner

**ALSO PRESENT:**

Adam Richins..... Millard County Planner  
Angi Meinhardt..... Secretary  
Dean Draper .....Millard County Commissioner  
Denton Peterson..... Deputy County Attorney  
Scott Allen.....Applicant  
Rendon Hughes..... Millard County Resident  
Erika Nickle.....Applicant  
Matt Ward ..... Chronicle Progress  
Kelly Ellsworth ..... Millard County Resident  
Janice Ellsworth..... Millard County Resident  
Ben Willoughby.....Applicant  
Darin Bloomfield ..... Millard County Resident  
Janey Bloomfield ..... Millard County Resident  
Brittney Hathaway.....Applicant

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 6:33 pm.

## 2. PUBLIC INPUT

No public input at this time.

### 3. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-002 for a Non-Plat Subdivision near 600 E 1000 S, Delta crating five (5) new parcels from a 80 acre parcel. Nathan & Erika Nickle, Applicants

Applicant Erika Nickle approached the Commission and gave some description of the proposal.

There was discussion of the water, septic and power to the property.

There was discussion of the provisions and recommendations listed on the staff report.

Commissioner Joyce Barney made a MOTION to approve application Z-2021-002 for a non plat subdivision with the recommendations listed in the staff report and the conformance with the general plan including all the items listed. Commissioner Demar Iverson SECONDED the motion. Commissioner Peter Greathouse opposed as he thinks it goes against the general plan as this is part of the agricultural land. Motion fails.

There was discussion of the Zoning Ordinance Amendment that has been recommended to the BOCC. The amendment has not been finalized and our ordinance and statue stay the same at this time.

Commissioner Joyce Barney made a MOTION to table this item to the next available meeting. Motion failed.

Commissioner John Nye and Commissioner Bob Rogers are appearing telephonically to move forward with the agenda.

Commissioner Joyce Barney made a MOTION to approve application #Z-2021-002 for a non plat subdivision with the recommendations of the planner and the conformance with the general plan including all items listed in the staff report.

#### **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.
- Develop housing strategies for development in the unincorporated areas of the County.

**Recommendation**

1. Approve the Non-Plat Subdivision as proposed.
2. Basis for Recommendation or Approval of the Subdivision: (Title 11-Subdivision Regulations)

11-1-4: Definitions

Subdivision:

- A. Any land that is divided, re-sub divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale lease or development, either on the installment plan or upon any and all other plans, terms and conditions.
- B. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.
- C. "Subdivision" does not include:
  1. A bona fide division or partition of agricultural land for agricultural purposes;
  2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
    - a. No new lot is created; and
    - b. The adjustment does not result in a violation of applicable zoning ordinances;
  3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
  4. A bona fide division or partition of land in a county other than a first-class county for the purpose of siting, on one or more of the resulting separate parcels:
    - a. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or interstate pipeline company; or
    - b. An unmanned telecommunication, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.
- D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision", under subsection A of this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county's subdivision ordinance.

11-3-1: MINI SUBDIVISIONS

- A. Conditions: Any property owner 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 its recommendation to 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 subdivision which results 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 Demar Iverson SECONDED the motion. Vote by roll call.  
Commissioner Bob Rogers, Commissioner John Nye, Commissioner Joyce Barney, Commissioner David Sturlin, Commissioner Demar Iverson all vote yes.  
Commissioner Peter Greathouse opposed. Motion passed.

**4. REVIEW and POSSIBLE APPROVAL**—Application # Z-2021-011 for a Non-Plat Subdivision, near 5000 W 8500 N, Delta dividing a 2.5-acre parcel from a 40-acre parcel. Dallan & Brittney Hathaway, Applicants

Commissioner John Nye appeared in person to the meeting.

Applicant Brittney Hathaway approached the Commission and gave description of her proposal.

There was discussion of building already on the 40-acre parcel. The house that was currently on the property has been torn down. The remaining buildings are just outbuildings.

There was verification from the Planner that this is a first time split on this property.

Commissioner Demar Iverson made a MOTION to approve application Z-2021-011 for a non plat subdivision because it conforms to the general plan and follows the recommendations of the planner.

**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.
- Develop housing strategies for development in the unincorporated areas of the County.

**Recommendation**

3. Approve the Non-Plat Subdivision as proposed.

4. Basis for Recommendation or Approval of the Subdivision: (Title 11-Subdivision Regulations)

11-1-4: Definitions

Subdivision:

E. Any land that is divided, re-sub divided or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other division of land for the purpose, whether immediate or future, for offer, sale lease or development, either on the installment plan or upon any and all other plans, terms and conditions.

F. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or other recorded instrument.

G. "Subdivision" does not include:

5. A bona fide division or partition of agricultural land for agricultural purposes;

6. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - c. No new lot is created; and
  - d. The adjustment does not result in a violation of applicable zoning ordinances;
7. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
8. A bona fide division or partition of land in a county other than a first-class county for the purpose of siting, on one or more of the resulting separate parcels:
  - c. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or interstate pipeline company; or
  - d. An unmanned telecommunication, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.
- H. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision”, under subsection A of this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county’s subdivision ordinance.

#### 11-3-1: MINI SUBDIVISIONS

- E. Conditions: Any property owner 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:
  3. The planning commission has reviewed the document and has given the county commissioners its recommendation on the subdivision application; and
  4. The document contains a certification of approval signed by the chairman of the county commissioners or his designee that:
    - d. The planning commission has given its recommendation to the county commissioners
    - e. 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;
    - f. 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.
- F. 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 subdivision which results 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.

- G. 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.
- H. 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 Peter Greathouse SECONDS the motion. Voting was unanimous in the affirmative.

**5. REVIEW and POSSIBLE APPROVAL**—Application # Z-2021-014 for a Non-Plat Subdivision near 200 S 3900 W Fillmore creating a 1-acre parcel. Scott Allen, Applicant

Applicant Scott Allen approached the Commission and gave proposal description.

Commissioner Peter Greathouse made a MOTION to approve application Z-2021-014 with the findings in the staff report and conformance to the general plan.

**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.
- Develop housing strategies for development in the unincorporated areas of the County.

**Recommendation**

1. Approve the Non-Plat Subdivision creating a legal parcel 1 acre in size.
2. Basis for recommendation or Approval of the Minor Subdivision

### 11-3-11: Mini Subdivisions

- A. Conditions: Any property owner 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:
- 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 Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

- 6. REVIEW and POSSIBLE APPROVAL**—Application # Z-2021-010 for a Non-Plat Subdivision near 1000 E 1000 S, Delta dividing seven (7) parcel from a 40 acre parcel. Ivan J Christensen, Applicant

Adam Richins stated that the applicant has asked to table this item.

There was discussion of if an application meets the requirements then it will not be open to the public for public comment. There was discussion of the format of the public input.



Commissioner Joyce Barney made a MOTION to table application Z-2021-010 to the next available meeting. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative.

**7. REVIEW and POSSIBLE RECOMENDATION**—Application # Z-2021-012 for a Plat Subdivision at approximately 3750 S 3000 W, Delta (Oasis). Brian Ben Willoughby, Applicant

Applicant Brian Ben Willoughby gave description of the proposal.

There was discussion that Lot 1 and Lot 2 already have existing homes on the lots.

Planner Adam Richins stated the process for a Plat Subdivision.

There was discussion of access to the remainder of the property.

Commissioner Joyce Barney made a MOTION to make a favorable recommendation to the BOCC for application Z-2021-012 for a Plat Subdivision as it meets the conformance to the general plan and recommendations in the staff report.

**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.

**RECOMMENDATION**

1. Recommend the approval of the proposed Plat Subdivision.
2. Basis for Recommendation or Approval of the Minor Subdivision:

**11-4-1: GENERAL REQUIREMENTS:**

- A. Preservation of Natural Features: The design and development of subdivision 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)
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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 the 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 property 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 commissioners, and shall not be entitled to recordation after that time. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

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

## 8. OTHER BUSINESS

Planner Adam Richins reminded the Commission that next week is a regular scheduled meeting.

Commissioner Dean Draper stated it is in the best interest of the people of the county to understand what is taking place with IPSC. He stated that they have a right to amend the permit.

**9. APPROVAL OF MINUTES** –February 3, 2021 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held February 3, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Peter Greathouse made a MOTION to approve the minutes for February 3, 2021 as corrected. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

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

**11. ADJOURNMENT**

Commissioner Demar Iverson made a MOTION to adjourn. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

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Dated this \_\_\_ day of \_\_\_\_\_ 2021  
David Sturlin, Chairman  
Millard County Planning Commission