

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
December, 1 2021**

The Millard County Planning Commission met on Wednesday December 1, 2021 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
DeMar Iverson Planning Commissioner
Peter Greathouse Planning Commissioner
Erin Sorenson Planning Commissioner
Joyce Barney Planning Commission Vice Chairman
Bob Rogers Via Telephone Planning Commissioner

EXCUSED:

ALSO PRESENT:

Adam Richins Millard County Planner
Mallori Wood Secretary
Denton Peterson Deputy County Attorney
Forrest Roper Millard County Resident
Karla Holman Millard County Resident
Megan Holman Millard County Resident
Patrick Stefanoff Millard County Resident
Dennis Steffanoff Millard County Resident
Leslie Lake Millard County Resident
Garth Lake Millard County Resident
Kevin Knight Millard County Resident
Jose Montalvo Millard County Resident
Sally Tory Millard County Resident
Brandon Christensen Millard County Resident
Stacey Lake Millard County Resident
Randy Lake Millard County Resident
Russ Day Millard County Resident
Edria Day Millard County Resident
Steel Weston Coyote Flats Campground
Jason May Attorney for Coyote Flats Campground
Matt Ward Millard County Chronicle Progress
Rick Roper Millard County Resident
Scott Anderson Millard County Resident
Randy Utley Millard County Resident
Anita Utley Millard County Resident
Mike Utley Millard County Resident
Kevin Jones Millard County Resident

Trent Anderson	Millard County Resident
Kortnie Anderson	Millard County Resident
Steve Albrecht	Millard County Resident
Grant Hildebrand	Millard County Resident
Lara Hildebrand	Millard County Resident
Kay Hansen	Applicant
Andy Nickle	Millard County Resident
Todd Holt	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 Commission Chairman David Sturlin called the meeting to order at 6:33 pm. He welcomed all present.

2. PUBLIC INPUT

There was no public input.

3. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-056 for a Non Plat Subdivision located at approximately 525 S 4950 W Fillmore. Brandon & Kalia Christensen, Applicants

Brandon Christensen approached the commission and gave a description of his application.

Brandon stated the property is in Flowell and that he and his wife would like to build a home.

There was a discussion about the parcel number of the property.

There was discussion about the owners of the property.

There was discussion about the existing home foundation on the property.

There was discussion about the access roads.

Commissioner Peter Greathouse made a MOTION to approve application number Z-2021-056 for a Non Plat Subdivision with the following recommendations;

1. Approve the Non Plat Subdivision creating a legal parcel of 8.04 acres in size.
2. Basis for Recommendation or Approval of the Minor Subdivision:

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 or 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 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 the 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 Erin Sorenson **SECONDED** the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-058 for a Plat Subdivision located at approximately 1000 E 2000 S, Delta. Kay L. Hansen, Applicant

Kay Hansen approached the commission and gave a description of her application.

Kay stated she would like to sell 5 acres to some friends that wanted to move to the area and build a home.

Commissioner Peter Greathouse asked about the separation of the lots. Kay stated the other area is just sagebrush that she is separating from her home for possible future sale.

There was discussion about the road access.

Commissioner Erin Sorenson made a **MOTION** to send a favorable recommendation to the BOCC for application #Z-2021-058. Commissioner DeMar Iverson **SECONDED** the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the proposed Subdivision creating 2 new legal parcels.
2. Basis for Recommendation or Approval of the Subdivision:

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 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 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 commissioners, and shall not be entitled to recordation after that time. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

5. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2021-052 to permit a Campground at approximately 2500 E 4500 S Delta (Deseret). Coyote Flats Campground, LLC, Applicant

Commissioner Joyce Barney made a MOTION to open the public hearing, Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Attorney Jason May approached the Commission. He stated that he and the applicant believe this is an appropriate use for this area.

Stacey Lake approached the commission and stated her concerns. She is concerned about preserving the agriculture in the area. She is concerned about

the quality of life in the area. This is an agricultural area, she believes that if a campground comes to the area they will bring their noise, trash and vehicles and that will change the integrity of the area. She believes this application should be interpreted as an R.V. Park rather than a campground. She stated concern over the roads, they are unlit and narrow. With farm equipment travelling on them there is a safety concern. She is concerned about the water supply. She is concerned about the strain on the local EMS, Sheriff and Fire Station.

Russ Day approached the commission. He stated his concerns about the canal near the area. He stated that the Man Camp at IPP has some existing RV hookups and are planning to add more.

Dennis Stefanoff approached the commission. He read from the application. He stated his concerns about the temporary housing that could turn into permanent rental units. He stated concern about the roads and water.

Trevor Johnson approached the commission. He stated he believes there is misconception of how many employees will be coming to the area during the construction of the gas units. He stated as of right now there will be 1000 construction workers for 18 months. He stated if people are using this as a way to make money, he wouldn't recommend it.

Patrick Stefanoff approached the commission. He stated his concern about Lonetree Rd and the traffic this campground will bring in.

Commissioner Chairman David Sturlin read from a letter submitted by Delta City.

Dennis Stefanoff approached the commission again and stated that he had heard Delta City already turned this down. He doesn't believe this is in the best interest of Millard County.

Laura Hildebrandt approached the commission. She stated that she lives in the area. She is worried about the traffic, her farm equipment, her children walking to and from the bus stop.

Patrick Stefanoff approached the commission and asked how many units one can have before it has to be a regulated culinary water system. Planner stated that is generally 25 persons.

Attorney Jason May approached the commission and addressed some of the concerns.

Stacey Lake approached the commission. She stated more concern over the traffic and water availability.

Edria Day approached the commission. She believes the campground will not provide any permanent jobs for Millard County residents.

Leslie Lake approached the commission. She asked the commission how many acres does someone have to purchase in order to build a home in an agricultural area.

Trevor Johnson approached the commission and clarified his earlier statement.

Kevin Knight approached the commission. He is concerned about public safety. He stated that he believes we need to protect the agricultural dynamic of the area.

Commissioner Erin Sorensen made a MOTION to close the Public Hearing. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2021-052 to permit a Campground at approximately 2500 E 4500 S Delta (Deseret). Coyote Flats Campground, LLC, Applicant

Attorney Jason May approached the Commission. There was discussion about the application and missing information. The application is missing the site plan and other required information. There is discussion about how many acre feet of water is available right now.

There was discussion about how many phases the applicant is planning on. The application stated 100 units on 20 acres for the first phase up to a possible 400 units on 80 acres.

There was more discussion about the water. Attorney Jason May stated there is two 10inch wells right now.

There was discussion about waste management.

There was discussion about the size of each camp site.

There was discussion about whether the camp sites will be pull through, temporary or permanent.

There was discussion about the Millard County General Plan and how it addresses this type of area.

There was discussion about the canals in the area and whether there were any plans to cover them.

Commissioner John Nye stated he doesn't believe there is enough information on the application and wonders if scheduling another meeting to discuss would be a good idea.

Commissioner Peter Greathouse asked for better clarification of the maps provided.

Commissioner Joyce Barney asked for a site plan.

Attorney Denton Peterson stated that it is up to the Commission to determine if the application is filed correctly under the appropriate use. It is also up to the Commission to determine whether the proposed project fits within the scope of the use which is being applied for.

Commissioner Erin Sorenson made a MOTION to DENY because the application did not comply with the general plan. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

- 7. PUBLIC HEARING**—C-1 Conditional Use Permit Application #Z-2021-055 to permit a Campground at approximately 1500 E 1000 S Delta. Alejandro Aranda Quinto, Applicant

This application was withdrawn prior to the meeting.

Planning Commission Chairman David Sturlin reopened public comment to include comments below.

Scott Anderson approached the commission his farm is directly west of the application site. He stated he is concerned about the sewer, water and power in the area.

- 8. REVIEW and POSSIBLE APPROVAL**—C-1 Conditional Use Permit Application #Z-2021-055 to permit a Campground at approximately 1500 E 1000 S Delta. Alejandro Aranda Quinto, Applicant

This application was withdrawn prior to the meeting.

- 9. DISCUSSION**—New state requirements for Large CAFO ordinances under Senate Bill 130 codified as Utah Code 17-27a-1103

Planner Adam Richins discussed and scheduled the upcoming work meeting.

10. OTHER BUSINESS

- 11. APPROVAL OF MINUTES** – The proposed minutes of the regular Commission meeting held November 3, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner DeMar Iverson made a MOTION to approve the minutes for November 3, 2021 as corrected. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

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

13. ADJOURNMENT

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

Dated this ___ day of _____ 2022

David Sturlin, Chairman

Millard County Planning Commission