

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 3, 2022**

The Millard County Planning Commission met on Wednesday August 3, 2022 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
Peter Greathouse Planning Commissioner
John Nye..... Planning Commissioner
Erin Sorenson Planning Commissioner

EXCUSED: Bob Rogers Planning Commissioner
DeMar Iverson Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Dean Draper Millard County Commissioner
Denton Peterson Deputy County Attorney
Mallori Wood..... Secretary
Matt Kolste IPP
Todd Anderson Delta City Attorney
Stacey Lake Millard County Resident
Edria Day Millard County Resident
Jason Edwards 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 called the meeting to order at 6:32 pm. He welcomed all present.

2. PUBLIC INPUT - Matt Kolste approached the commission. He stated he is the Community Relations Manager for Intermountain Power Service Corp. He handed out his business card and stated he wanted the Commission to know who he is in case they have any questions for him.

3. REVIEW and POSSIBLE APPROVAL—Application # Z-2022-024 for a Non-Plat Subdivision located at approximately 2515 W 4400 S Meadow. Kevin Smart, Applicant

Kevin Smart, applicant was unable to attend the meeting.

Planner Adam Richins gave a description of the application and what the applicant is applying for. The property is a little over 6 acres and is currently zoned for agriculture. The applicant's intentions are to divide the property in half and build a house on one half, then eventually build another on the other half. There isn't a house on either piece right now.

There was discussion about the single water well being used for both parcels. Planner Adam stated that the health dept will allow a shared well up to seven connections.

There was discussion about the definition of land zoned as agriculture. Planner Adam stated that because the land wouldn't be used primarily as agriculture so there isn't a minimum acreage required.

Commissioner Erin Sorenson made a MOTION to approve application number Z-2022-024 based on the recommendation for the subdivisions and mini subdivisions with the One Time Process Information.

RECOMMENDATION

1. Approve the Non-Plat Subdivision as proposed dividing the existing parcel into two (2) parcels—each approximately 3.2 acres in size.

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

11-1-4: DEFINITIONS

SUBDIVISION:

A. Any land that is divided, resubdivided 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 another 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 intrastate 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 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 David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL—C-1 Conditional Use Permit Application #Z-2022-023 to permit a Private, Non-Commercial Campground at approximately 450 S Greenbriar Drive, Sherwood Shores (Delta). Jason C Edwards, Applicant

Applicant Jason C Edwards approached the commission. He stated he has 3 lots that he would like to build a shop and a few RV pads on. He stated he already has the septic in place. He also has shoreline lots that he would like to build a home on sometime so he would like this area for family to use when they come to visit.

There was discussion about a limit on how many RV lots that can be on per lot. Planner Adam stated that if the application was for commercial use there would be a limit of 2. Because this in non-commercial that would not apply.

There was discussion about crowding. Jason stated that he would eliminate 1 RV pad for the shop and then there would only be 5.

Planner Adam discussed the setbacks.

There was discussion about density.

Commissioner Joyce Barney asked if the use could be switched to commercial if the property owner decided to sell. Planner Adam stated that Commercial use is not allowed. If the property owner did sell then the new owner couldn't use the RV pads as commercial use.

There was discussion about modifying Condition A to read as; Not more than two (2) RV spaces per permitted lot. If a shop or building is added that would eliminate one (1) of the two (2) RV pads.

Commissioner David Sturlin went over the proposed recommendations with the applicant.

Planner Adam Richins read a statement from Delta City Attorney Todd Anderson.

Commissioner Joyce Barney was excused at 6:49 pm.

Commissioner David Sturlin went over the staff findings with the commission.

Commissioner Peter Greathouse made a MOTION to approve application Z-2022-023 with the proposed recommendations;

RECOMMENDATION

The conditional use application as submitted complies with the requirements of this title, all other applicable ordinances and resolutions, and the building codes as adopted, and should be considered for approval with establishment of reasonable conditions.

The historic use of properties located in the Sherwood Shores subdivision have included residential and recreational activities. It is anticipated that the use of the property for Recreational Vehicles will be largely similar to historic uses although the activities and use will be intensified. It is also anticipated other property owners will seek to establish similar 'campground' sites for personal and commercial use.

Reasonable conditions should be imposed to address the health, safety, and welfare of surrounding property owners and should be consistent with conditions which could foreseeably be imposed on future applicants as the activity levels increase.

PROPOSED REASONABLE CONDITIONS FOR APPROVAL OF A PRIVATE, NON-COMMERCIAL CAMPGROUND LOCATED AT LOT # 555, 556, 559 SHERWOOD SHORES SUBDIVISION:

A. Not more than two (2) RV spaces be permitted per lot. If a shop or building is added that will eliminate one (1) of the two (2) RV spaces.

B. Dumping of RV waste be at approved offsite location or in a separately permitted septic system.

C. Setbacks and proposed structures shall be substantially as described in the submitted site plan.

D. Access to the property shall limited to a single driveway per lot 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 Erin Sorenson **SECONDED** the motion. Voting was unanimous in the affirmative.

5. DISCUSSION—RV Park Ordinance

The Planning Commission discussed RV Park Ordinances in Juab and Piute Counties.

Planner Adam gave an update on the IPA project.

There was discussion about the BOCC making a decision on the non-plat recommendation for agricultural area in the county that the planning commission had previously sent over.

6. POSSIBLE CLOSED MEETING Pursuant to Utah Code Annotated Section 52-4-204 & 205

7. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held July 6, 2022 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 6,2022 as corrected. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

8. ADJOURNMENT

Commissioner Peter Greathouse made a MOTION to adjourn at 7:42 pm. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ____ day of _____ 2022
David Sturlin, Chairman
Millard County Planning Commission