

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 19, 2022**

The Millard County Planning Commission met on Wednesday October 19, 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

EXCUSED: Bob Rogers Planning Commissioner
Erin Sorenson Planning Commissioner
DeMar Iverson Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Matt Ward Millard County Chronicle Progress
Stacey Lake Millard County Resident
Randy Lake..... Millard County Resident
Dennis Alldredge Millard County Resident
Mike Petersen..... Applicant
Mark Stephensen..... Millard County Resident
Steven Cooper..... Applicant
Devin Garner Applicant
Austin Johnson 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 6:35 pm. He welcomed all present.

2. PUBLIC INPUT There wasn't any public input.

3. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2022-036 to change the zoning of property located approximately 6000 S Highway 50, Delta from Agriculture 20 (AG 20) to Range & Forest (RF). Steven Cooper, Applicant

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

Applicant Steven Cooper approached the commission and gave a description of his application.

Commissioner Peter Greathouse made a MOTION to close the public hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2022-036 to change the zoning of property located approximately 6000 S Highway 50, Delta from Agriculture 20 (AG 20) to Range & Forest (RF). Steven Cooper, Applicant

There was discussion about the number of acres.

There was a request from the commission for a letter from the owner of the property explaining why they're only giving a portion of the property rather than the whole parcel.

Commissioner Peter Greathouse made a MOTION to give a favorable recommendation to the BOCC. With the addition that the lease is for 40 acres or 80 acres. The applicant is not to exceed that amount.

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

5. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2022-037 to change the zoning of approximately 57 acres property located approximately 1600 S Frontage Road Fillmore from Agriculture 20 (AG 20) to Residential (R1). Mike Petersen, Applicant

Commissioner John Nye made a MOTION to open the public hearing. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

Applicant Mike Petersen approached the commission and gave a description of his application.

Planner Adam Richins read a portion of a letter from Fillmore City expressing concern about the application.

Applicant Mike Petersen gave a description of the area.

Dennis Alldrege approached the commission and expressed concern about the water and sewer.

Commissioner Peter Greathouse made a MOTION to close the public hearing. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2022-037 to change the zoning of property located approximately 1600 S Frontage Road Fillmore from Agriculture 20 (AG 20) to Residential (R1). Mike Petersen, Applicant

There was discussion about the surrounding area.

There was discussion about water for farming.

There was discussion about why the applicant is wanting to put a subdivision in the county rather than inside Fillmore City limits, applicant stated, because of location in relation to Fillmore City.

There was discussion about the county being responsible for services in the area.

There was discussion about the water.

Planner Adam Richins stated that because this is a zone change application and not a subdivision application, the applicant does not need to have the water right now.

There was discussion about the area being annexed into Fillmore City.

Mark Stephensen approached the commission and gave a few reasons why they're offering 2.5 acre lots.

There was discussion about the impact on county if this application is approved.

Commissioner Peter Greathouse made a MOTION for an unfavorable recommendation to the BOCC. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE APPROVAL—Application # Z-2022-040 for a Non-Plat Subdivision located at approximately 2900 W 7500 N, Delta. Hilda Leticia Gonzalez, Applicant

Planner Adam Richins stated that the applicant was unable to attend the meeting.

There was discussion about water.

Commissioner Peter Greathouse made a MOTION to approve the application. Based on the Recommendations and is in conformance with the General Plan. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

8. REVIEW and POSSIBLE APPROVAL—Application # Z-2022-041 for a Non-Plat Subdivision located at approximately 8 miles west of Hinckley on Highway 6/50. Devin Garner, Applicant

Applicant Devin Garner approached the commission and gave a description of the application.

There was discussion about whether the area had been previously subdivided.

There was discussion about an existing ditch in the area.

There was discussion about emergency services being provided.

There was discussion about the road requirements.

Commissioner John Nye made a MOTION to approve the application based on the recommendations and is in conformance with the General Plan. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision as proposed dividing the existing parcel into seven (7) parcels—each 20 acres or more 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 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 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)

9. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2022-039 for Agricultural Products Processing on property located approximately 1800 W 4000 N Fillmore—Austin Johnson, Owner

Commissioner Joyce Barney made a MOTION to open the Public Hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Applicant Austin Johnson approached the commission and gave a description of his application

Commissioner Peter Greathouse made a MOTION to close the public hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

10. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2022-039 for Agricultural Products Processing on property located approximately 1800 W 4000 N Fillmore—Austin Johnson, Owner

There was discussion about the operation of the company.

There was discussion about water.

There was discussion about where the fruits and vegetables will come from.

Commissioner David Sturlin went over the recommended conditions with the applicant.

There was discussion about parking. The applicant stated this will not be a public area and he is planning on putting in gravel to keep the dust down.

There was discussion about garbage disposal. The applicant stated there will be very little garbage. Any of the bi-product will go to the applicant's cattle.

There was discussion about lighting and signage in the area.

There was discussion about the road maintenance.

Commissioner John Nye made a MOTION to approve the application following the recommendations.

RECOMMENDATION

1. Approve the Conditional Use Permit for an Agricultural Products Processing Facility 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, height, 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. (Section 10-8-3— Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications)

3. Approve the Permit with the following reasonable conditions:

a. The proposed Agricultural Products Processing Facility 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.

b. Implementation of safety programs as required by the OSHA and any other state or federal

agencies having jurisdiction and observe best practices particular to meat processing operations.

c. Dust and odor control procedures be implemented.

d. Procedures to control and limit rodent, flies and insects be implemented.

e. A clean and healthy environment on the subject property be maintained.

Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

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

12. APPROVAL OF MINUTES - The proposed minutes of the Planning Commission Meeting held September 7, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Peter Greathouse made a MOTION to approve the minutes for September 7, 2022 as corrected. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

There was discussion about the date of the next meeting.

There was discussion about the annual Christmas party.

13. ADJOURNMENT - Commissioner David Sturlin made a MOTION to adjourn at 8:04 pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2022

David Sturlin, Chairman
Millard County Planning Commission