

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
November 30, 2022**

The Millard County Planning Commission met on Wednesday November 30, 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  
DeMar Iverson ..... Planning Commissioner

**EXCUSED:** Bob Rogers..... Planning Commissioner

**ALSO PRESENT:**

Adam Richins..... Millard County Planner  
Mallori Wood..... Secretary  
Denton Peterson ..... Deputy County Attorney  
Megan Holman ..... Applicant  
Karla Holman ..... Millard County Resident  
Todd Anderson ..... Delta City Attorney  
Dent Kirkland ..... Delta City  
Matt Ward ..... Millard County Chronicle Progress  
Robert Bliss ..... Millard County Resident  
Elaine Bliss ..... Millard County Resident  
John Niles ..... Delta City Mayor  
Chuck Chamberlain ..... Millard County Resident  
Lisa Chamberlain ..... Millard County Resident  
McKay Christensen..... Applicant  
Dennis Alldrege ..... 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 called the meeting to order at 6:33. He welcomed all present.

## **2. PUBLIC INPUT**

There wasn't any public input.

**3. REVIEW and POSSIBLE APPROVAL**—Application # Z-2022-043 for a Non-Plat Subdivision located at approximately 400 E 3500 S, Delta. Megan Holman, Applicant

Megan Holman approached the commission and gave a description of her application.

Commissioner Erin Sorenson made a MOTION to approve Application #Z-2022-043. With the following recommendations;

### **RECOMMENDATION**

1. Approve the Non-Plat Subdivision dividing the forty (40) acre parcel into two (2) parcels—each 20 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, re-subdivided 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)

Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

**4. REVIEW and POSSIBLE APPROVAL**—Application # Z-2022-044 for a Non-Plat Subdivision located at approximately 2500 W Airport Road, Fillmore. Jamie Caldwell, Applicant

The applicant was unable to attend the meeting. Planner Adam Richins called them on the phone and the applicant gave a description of their application.

There was discussion about when the property was split the first time.

Commissioner Joyce Barney made a MOTION to approve Application #Z-2022-044. With the proposed recommendations.

## **RECOMMENDATION**

1. Approve the Non-Plat Subdivision dividing the forty (40) acre parcel into two (2) parcels—each 20 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, re-subdivided 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 DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

**5. REVIEW and POSSIBLE APPROVAL**—Application # Z-2022-045 for a Non-Plat Subdivision located at approximately 1600 S Scenic Highway, Fillmore. Mark Anderson, Applicant.

The applicant was unable to attend the meeting.

Planner Adam read from the Staff Report.

There was discussion about water.

There was discussion about access roads.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2022-045 with the proposed recommendations.

## **RECOMMENDATION**

1. Approve the Non-Plat Subdivision dividing the two (2) parcels—each 6.45 acres in size from the 158-acre parcel.

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-subdivided 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.

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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.

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

**6. PUBLIC HEARING—**C-1 Conditional Use Permit Application #Z-2022-046 for Industrial/Manufacturing Activity (light) on property located approximately 3120 East Main Street, Delta. Red Sky Technologies, McKay Christensen, Applicant

Commissioner Erin Sorenson made a MOTION to open the public hearing. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

Applicant McKay Christensen approached the commission and gave a description of the application.

McKay stated that all of the areas where trucks will be driving will either be paved or concrete to help keep the dust to a minimum.

McKay stated that there is currently a traffic survey being conducted and they are working with the state to determine what needs to be done to minimize traffic interruptions.

McKay stated there are a few phases to this project that will be completed throughout a few years.

Attorney Todd Anderson approached the commission on behalf of Delta City and stated some concerns that Delta City has.

Roger Bliss approached the commission. He lives directly across the street from where the applicant wants to put this industrial plant. Some of his concerns are water availability and dust impacting the area. He is also worried about the traffic and noise that will come from the area.

Roger asked about what happens to their waste water.

Applicant McKay Christensen approached the commission and addressed some of the concerns.

Dent Kirkland with Delta City Public Works approached the commission. He stated there is concern about water and possible fire hazards.

There was discussion about what fire department would be responsible for the area.

Chuck Chamberlain, one of the owners of OSH Cut, Inc. approached the commission. He stated that the business uses a very small amount of water.

Commissioner DeMar Iverson made a MOTION to close the public hearing. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

**7. REVIEW and POSSIBLE APPROVAL—** C-1 Conditional Use Permit Application #Z-2022-046 for Industrial/Manufacturing Activity (light) on property located approximately 3120 East Main Street, Delta.

There was discussion about hours of operation.

There was discussion about business traffic and how often vehicles will be coming and going from the job site.

There was discussion about road maintenance.

There was discussion about the concrete that will be used in the area and how it will be stored.

There was discussion about water availability and possible fire code requirements.

There was discussion about issuing permits with each phase of the project.

There was discussion about water and dust.

There was discussion about possible hazardous waste.

There was discussion about pollution.

There was discussion about the impact of growth and how it will affect the community.

There was discussion about housing in the area.

There was discussion about drainage requirements.

There was discussion about fencing and lighting.

Commissioner David Sturlin read through the Proposed Recommendations from the staff report.

Commissioner Erin Sorenson made a MOTION to approve application Z-2022-046. With the following 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.

**PROPOSED REASONABLE CONDITIONS FOR APPROVAL OF C-1 CONDITIONAL USE FOR INDUSTRIAL/MANUFACTURING ACTIVITY (LIGHT) LOCATED AT 3120 E. MAIN STREET, DELTA:**

- A. Setbacks and proposed structures shall be substantially as shown in the submitted site plan.
- B. No on-street parking shall be permitted on or along public roads.
- C. Access along state roads shall be subject to UDOT requirements.
- D. A Road Maintenance Agreement be established with Millard County for truck traffic on county roads.
- E. Dust mitigation controls be implemented to address dust from construction and operations.
- F. Signage shall comply with Millard County sign regulations.
- G. Site area lighting shall be downward directed.
- H. Owner shall be responsible for all site security.
- I. 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
- J. Applicant shall provide an engineered plan for site drainage prior to commencing construction.

Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

**8. PUBLIC HEARING—**C-1 Conditional Use Permit Application #Z-2022-047 for Industrial/Manufacturing Activity (light) on property located approximately 3534 East Main Street, Delta. OSH Cut, Inc., Caleb Chamberlain, Applicant

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

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

Planner Adam Richins gave statement from Roger Bliss.

Attorney Todd Anderson approached the commission and stated similar concerns with this application and application #Z-2022-046.

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

**9. REVIEW and POSSIBLE APPROVAL—** C-1 Conditional Use Permit Application #Z-2022-047 for Industrial/Manufacturing Activity (light) on property located approximately 3534 East Main Street, Delta.

There was discussion about the color of the buildings.

There was discussion about the possibility of educational programs with the local schools.

There was discussion about the size of parking lot.

There was discussion about waste management.

There was discussion about signage in the area.

Commissioner John Nye made a MOTION to approve application Z-2022-047 With the following 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.

PROPOSED REASONABLE CONDITIONS FOR APPROVAL OF C-1 CONDITIONAL USE FOR INDUSTRIAL/MANUFACTURING ACTIVITY (LIGHT) LOCATED AT 3534 E. MAIN STREET, DELTA:

- A. Setbacks and proposed structures shall be substantially as shown in the submitted site plan.
- B. No on-street parking shall be permitted on or along public roads.
- C. Access along state roads shall be subject to UDOT requirements.
- D. A Road Maintenance Agreement be established with Millard County for truck traffic on county roads.
- E. Dust mitigation controls be implemented to address dust from construction and operations.
- F. Signage shall comply with Millard County sign regulations.
- G. Site area lighting shall be downward directed.
- H. Owner shall be responsible for all site security.
- I. 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 (s).
- J. Applicant shall provide an engineered plan for site drainage prior to commencing construction.

Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

**10. OTHER BUSINESS**

Planner Adam Richins stated that there are items within title 11 in the county code that need to be addressed by the Planning Commission.

**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 October 19, 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 October 19, 2022 as

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

### **13. ADJOURNMENT**

Commissioner DeMar Iverson made a MOTION to adjourn at 8:28 pm. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

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Dated this \_\_\_ day of \_\_\_\_\_ 2023  
Joyce Barney, Chairman Pro Tempe  
Millard County Planning Commission