

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
January 18, 2023**

The Millard County Planning Commission met on Wednesday January 18, 2023 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
Phil Morrison..... Planning Commissioner

EXCUSED: DeMar Iverson Planning Commissioner
Denton Peterson..... Deputy County Attorney

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Trevor Johnson..... Millard County Commissioner
Dennis Alldredge Millard County Resident
Mike Jackson Boneyard Crushing
Laurie Jackson..... Boneyard Crushing
Matt Ward Millard County Chronicle Progress
Jake Stevens Boneyard Crushing
James 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 6:32 pm. He welcomed all present.

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

3. REVIEW and POSSIBLE APPROVAL—Application # Z-2022-053 for a Non-Plat Subdivision located at approximately 1200 E Meadow Canyon Road (East of Meadow Town). James Johnson, Applicant

James Johnson approached the commission and gave a description of his application.

There was discussion about a tower that is on the property.

There was discussion about easements on the property.

There was discussion about water.

Commissioner Erin Sorenson made a MOTION to approve the application #Z-2022-053 based on its conformance to the General Plan. Commissioner Joyce Barney SECONDED the motion. Commissioner Peter Greathouse opposed. Motion passed.

RECOMMENDATION

1. Approve the Non-Plat Subdivision dividing the 78.99-acre parcel into three (3) 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, 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)

4. PUBLIC HEARING—Zoning Ordinance Map Amendment Application Z-2022-055 to change the zoning of property located approximately 7000 W 3100 N Delta Address Grid from Agriculture (Ag) to Heavy Industrial (HI). Mike & Laurie Jackson, Applicant

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

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

Planner Adam Richins gave a definition of Heavy Industrial and Light Industrial.

Dennis Alldredge stated he thinks this is a great idea.

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

5. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application Z-2022-055 to change the zoning of property located approximately 7000 W 3100 N Delta Address Grid from Agriculture (Ag) to Heavy Industrial (HI)

There was discussion about surrounding properties.

There was discussion about the machinery needed to run the operation.

There was discussion about water availability.

There was discussion about how close Topaz Relocation Site is to the area.

There was discussion about what is allowed in a Heavy Industrial Zone.

There was discussion about noise.

There was discussion about rezoning to Ag Industrial rather than Heavy Industrial.

Commissioner David Sturlin went over the recommendations in the Staff Report.

There was discussion about designated areas within the General Plan designated to Heavy Industrial.

Commissioner John Nye made a MOTION to send a favorable recommendation to the Board of County Commissioners on application Z-2022-055 as it is in conformance with the General Plan. Commissioner Joyce Barney SECONDED the motion. Commissioner Peter Greathouse and Phil Morrison opposed. Motion passed.

RECOMMENDATION

A. Recommend the zone change from Agriculture (Ag) to Heavy Industrial be approved only if it can be determined that industrial-type operations permitted under the Table of Uses are an appropriate land use for the proposed location.

B. In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the Board of County Commissioners (BOCC) in deciding a land use ordinance amendment application shall consider the following factors, among others:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.

8. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

6. PUBLIC HEARING—Text Amendment Application Z-2023-002 amending the Table of Uses and Use Definitions to create a Use Definition for Data Processing Centers

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

Planner Adam Richins went over the reason behind the application.

There was discussion about having multiple definitions depending on size.

There was discussion about location.

There was discussion about being wary of crypto currency miners.

Dennis Alldredge stated it would be a good idea to look at the county's electrical grid to see if this kind of operation would benefit the area.

There was discussion about the feasibility of creating a utility maintenance agreement.

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

7. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application Z-2023-002 amending the Table of Uses and Use Definitions to create a Use Definition for Data Processing Centers

Planner Adam went over different conditional use permits.

There was discussion about the kind of data that would be allowed.

There was discussion about which zones the data centers would be allowed in.

Commissioner John Nye made a MOTION to send a favorable recommendation to the BOCC as it is in conformance with the General Plan for application #Z-2023-003 Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

8. OTHER BUSINESS

There was discussion about resubmitting an application for the proposal of non-plat subdivisions to the BOCC on the different changes with the Agricultural zones.

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

10. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held on January 4th, 2023 were presented consideration and approval. Following review and consideration of minor corrections Commissioner John Nye made a MOTION to approve the minutes from January 4th, 2023. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

11. ADJOURNMENT Commissioner Peter Greathouse made a MOTION to adjourn at 8:21 pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2023
David Sturlin, Chairman
Millard County Planning Commission