

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 1, 2023**

The Millard County Planning Commission met on Wednesday March 1, 2023, at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
John Nye.....Planning Commissioner
Erin SorensonPlanning Commissioner
Phil Morrison.....Planning Commissioner
Peter GreathousePlanning Commissioner

EXCUSED: DeMar IversonPlanning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Denton Peterson Deputy County Attorney
Trevor Johnson.....Millard County Commissioner
Vicki LymanMillard County Commissioner
Mike JacksonBoneyard Crushing
Laurie Jackson.....Boneyard Crushing
Matt Ward Millard County Chronicle Progress
Charlie Edwards Antelope Valley RV Park
Dennis Alldredge Millard County Resident
Mark Stevenson.....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—C-1 Conditional Use Permit Application #Z-2023-007 for an Accessory Dwelling at approximately 1185 N 1000 W Delta. Brock Day, Applicant

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

Brock Day approached the commission and gave a description of his application.

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

4. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2023-007 for an Accessory Dwelling at approximately 1185 N 1000 W Delta.

There was discussion about whether this area would be grandfathered in or if the applicant will need to get other permits.

There was discussion about utilities being available.

There was discussion about the number of Accessory Dwellings that will be on the property.

Planner Adam Richins better clarified the County Code for the applicant about not having different utility meters for different dwellings on the property.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2023-007. Based on its conformance with the general plan. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

5. PUBLIC HEARING—C-1 Conditional Use Permit Application Z-2023-013 for Industrial/ manufacturing activity (light) located at approximately 1200 West 400 N Fillmore. Mike Petersen, Applicant.

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

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

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

6. REVIEW and POSSIBLE RECOMMENDATION – C-1 Conditional Use Permit Application Z-2023-013 for Industrial/manufacturing activity (light) located at approximately 1200 West 400 N Fillmore.

The Commission asked the applicant to better clarify what he meant by commercial buildings. The applicant stated he has a few clients that would like to build office warehouse buildings. He would like to build one that will be used to manufacture tiny homes and green house kits.

There was discussion about where the water and utilities will come from.

There was discussion about providing a site plan of the area.

Attorney Denton Peterson stated that the commission is asking for more details to understand what the applicant is asking in the application.

Commissioner Peter Greathouse made a MOTION to table this item until the next regularly scheduled meeting to allow the applicant more time to provide a better detailed application. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

7. PUBLIC HEARING—C-2 Conditional Use Permit Application Z-2023-0011 for a Recycling Center located at approximately 7100 W 3000 N Delta (Abraham). Boneyard Crushing Inc, Owner. Mike & Laurie Jackson, Applicants.

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

Applicants Mike and Laurie Jackson approached the commission and showed the commission video and photos of what their business consists of.

The applicant stated that the equipment weighs 40,000 pounds.

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

8. REVIEW and POSSIBLE RECOMMENDATION – C-2 Conditional Use Permit Application Z-2023-0011 for a Recycling Center located at approximately 7100 W 3000 N Delta (Abraham).

There was discussion about needing OSHA approval.

Planner Adam Richins stated that the land use permit runs with the land. They would not be allowed to go to another area and crush their product to sell. They would only be allowed to crush what that property owner has on site for that property owner to use.

Commissioner David Sturlin went over the Recommended Conditions with the applicant.

There was discussion about the limitations within the conditional use permit.

There was discussion about the size of product the crusher can crush at one time.

There was discussion about the location of the equipment on the property.

Commissioner Peter Greathouse made a MOTION to send a favorable recommendation for application #Z-2023-0011 to the BOCC based on its conformance with the General Plan. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Recommend the C-2 Conditional Use Permit for a crushing operation (Recycling Center) be approved 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. (Ord. 12-12-04, 12-4-2012)

1. Approve the Permit with the following reasonable conditions: Approve the Permit with the following reasonable conditions:

1. Federal and State Permitting Requirements. Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this decision shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that it authorizes the use of the subject premises in the manner authorized herein.

2. Plans to be on File. Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all permits or plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the recycling center project. All changes to submitted permits or plans shall be provided to the County and kept on file.

3. Required Reporting to be on File. Required compliance reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the surfacing mining. Developer shall provide notice to the County of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.

4. Documents to be on File. Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner documentation that Developer is in compliance with applicable Federal or State Agency requirements relating to the construction and operation of the project.

5. Warning Signage. Developer shall provide warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.

6. Fugitive Dust Control. Developer shall implement measures to reduce fugitive dust resulting from operations.

7. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (# Z-2023-011) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

8. Amendments. All changes and modifications to this Conditional Use Permit, and not determined to be a minor facility plan modification, shall be considered as an amendment to this Permit and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

9. Incorporation by Reference. All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.

10. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.

11. Recordation. Upon the approval of Conditional Use Permit # Z-2023-011, this Permit shall be recorded in the Office of the Millard County Recorder.

9. PUBLIC HEARING—Zoning Ordinance Amendment Application #Z-2023-008 to create definitions and regulations for Temporary Construction Housing in Title 10 of the Millard County Zoning Ordinance.

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

Nobody approached the commission.

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

10. REVIEW and POSSIBLE RECOMMENDATION—Zoning Ordinance Amendment Application #Z-2023-008 to create definitions and regulations for Temporary Construction Housing in Title 10 of the Millard County Zoning Ordinance.

The commission went over the proposed text amendment for Temporary Construction Housing.

Commissioner Erin Sorenson made a MOTION to send a favorable recommendation to the BOCC for application #Z-2023-008 while adding that the area must be cleaned up and have defensible space. Commissioner Phil Morrison SECONDED the motion. Commissioner Peter Greathouse opposed. Motion passed.

RECOMMENDATION

Favorably recommend to the Board of County Commissioners to:

1. Amend Title 10, Chapter 25, Appendix A of the Millard County Code to include Temporary Construction Housing as a defined use and establish requirements for each zoning district.
2. Amend Title 10, Chapter 18 of the Millard County Code to add new regulations for Temporary Construction Housing.

REQUIRED CONSIDERATIONS

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)

11. OTHER BUSINESS There wasn't any other business.

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

13. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held January 18, 2023, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Peter Greathouse made a MOTION to approve the minutes from January 18, 2023. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held February 1, 2023, were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner David Sturlin made a MOTION to approve the minutes from February 1, 2023. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

14. ADJOURNMENT Commissioner Joyce Barney Made a MOTION to adjourn at 8:50 pm. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

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