

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
January 10, 2024**

The Millard County Planning Commission met on Wednesday January 10, 2024, at 6:30pm 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 Sorenson .....Planning Commissioner  
Phil Morrison.....Planning Commissioner  
DeMar Iverson .....Planning Commissioner  
Pat Manis.....Planning Commissioner

**EXCUSED:**

**ALSO PRESENT:**

Adam Richins..... Millard County Planner  
Mallori Wood ..... Secretary  
Denton Peterson..... Deputy County Attorney  
Matt Ward ..... Millard County Chronicle Progress  
Jason Edwards .....Applicant  
Michelle M. Dalton .....Applicant  
Greg Dalton ..... Millard County Resident  
Cody Dickson..... Rural Power and Light  
Shannon Dickson..... Rural Power and Light

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 6:30pm. He welcomed all present.

**2. APPOINTMENT OF CHAIR and VICE CHAIR** –The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair. (Millard County Planning Commission Rules of Order)

Commissioner DeMar Iverson made a MOTION to sustain the current Chairman David Sturlin and Vice Chairman Joyce Barney for the Millard County Planning Commission. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

**3. PUBLIC INPUT** – There wasn't any public input. Commissioner David Sturlin welcomed the new Planning Commissioner, Pat Manis and thanked Peter Greathouse for his time as a Commissioner.

**4. REVIEW & POSSIBLE APPROVAL** – Application #Z-2024-002 to amend C-1 Conditional Use Permit Application #Z-2023-021 for Temporary Construction Housing at approximately 3450 S 4100 W Delta. Jason & Sam Edwards Owners/Applicants.

Jason Edwards approached the commission and gave a description of his application.

The temporary houses he would like to use have wheels and a hitch to make them easier to move once the C-1 permit expires.

There was discussion about whether the current septic system could handle adding the homes. Jason stated they will probably need to rerun the lines but that Central Utah Public Health has approved his request to add the temporary houses.

There was discussion about the size of the houses. Jason stated that most RV's nowadays have slide outs, these units will not have slide outs and are 10 feet wide.

Commissioner DeMar Iverson made a MOTION to approve application #Z-2024-002. As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

The 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 reasonable conditions to address the health, safety, and

welfare of surrounding property owners and should be consistent with conditions which could foreseeably exist. Proposed Reasonable Conditions for the Temporary Construction Housing:

- A. Not more than ten (10) total RV spaces or housing units be developed.
- B. Setbacks and proposed improvements shall be substantially as described in the submitted site plan.
- C. Onsite waste containers shall be provided for solid waste. All waste be disposed of in permitted landfill.
- D. Fire prevention measures be implemented, any campfires be limited to approved firepits.
- E. Owners shall be responsible for all site security.
- F. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval.

**5. REVIEW and POSSIBLE APPROVAL** – Application #Z-2023-069 for an accessory dwelling unit at approximately 1255 N 1800 W Fillmore. Mark W. Fullmer Family Lc. Owner; Andy Bray, Applicant.

Andy Bray approached the commission and gave a description of the application.

There was discussion about the utilities. Andy stated that everything other than the septic system is tied into the existing dwelling.

Commissioner DeMar Iverson made a MOTION to approve application Z-2023-069 As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Approve the C-1 Conditional Use Permit application permitting an accessory dwelling unit subject to the provisions in County Code Section 10-18-9.
2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:  
  
10-8-3: Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications

- a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses.
- b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable.
- c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
- d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
- f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.
- g) 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.

**6. REVIEW and POSSIBLE APPROVAL—**Application # Z-2023-068 for a Non-Plat Subdivision located at approximately 1000 S 2000 W Fillmore. Jason Rowley, Owner; Fillmore City, Applicant.

Planner Adam Richins stated that Fillmore City is acquiring land from Jason Rowley with the intention of putting a sewer lagoon. Jason Rowley doesn't want to sell the entire piece of land. That is the reason for the application for a Non-Plat Subdivision.

Commissioner Joyce Barney made a MOTION to approve application #Z-2023-068 As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

**RECOMMENDATION**

1. Approve the Non-Plat Subdivision as proposed.
2. Basis for Recommendation or Approval of the Minor Subdivision:

#### 11-1-4: DEFINITIONS:

##### SUBDIVISION, NONPLAT (MINISUBDIVISION)

1. The subdivision of land into nine (9) or fewer parcels by recordation of a document that divides the property by metes and bounds description, and which meets all the requirements of this title.

##### 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)

**7. REVIEW and POSSIBLE APPROVAL**—Application # Z-2023-067 for a Non-Plat Subdivision located at approximately 4000 S 4000 W Delta (Deseret). Michelle Moody Dalton Owner/ Applicant.

Michelle Moody Dalton approached the commission and gave a description of her application.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2023-067. As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Approve the Non-Plat Subdivision as proposed.
2. Basis for Recommendation or Approval of the Minor Subdivision:

11-1-4: DEFINITIONS:

### **SUBDIVISION, NONPLAT (MINISUBDIVISION)**

1. The subdivision of land into nine (9) or fewer parcels by recordation of a document that divides the property by metes and bounds description, and which meets all the requirements of this title.

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)

**8. REVIEW and POSSIBLE APPROVAL—** Application Z-2023-070 for a C-1 Conditional Use Permit for Solar energy systems (minor) located approximately 3899 N 10000 W Delta within the Agriculture (Ag) zoning district. David Howlett, Owner

Cody Dickson with Rural Power and Light approached the commission and gave a description of the application. There are 5 different projects on David Howlett's property that they would like to put solar panels to help offset the power demand for the existing pivots on the property.

Planner Adam Richins stated this will be onsite use only.

Commissioner Joyce Barney made a MOTION to approve application #Z-2023-070 As it is in conformance to the Millard County General Plan and meets the findings in County

Code 10.8.3. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Approve the C-1 Conditional Use Permit application permitting the construction and operation of a Solar Energy System (minor) with the following reasonable conditions:

a) Setbacks from property lines shall be those identified in 10-25-2 Appendix B-1 in the Agriculture 20 (Ag-20) Zoning District.

b) Necessary Warning Signage be placed on site perimeter fencing, electrical equipment.

c) A weed-free area be maintained below and around equipment and for a distance at least 25' around panel installation.

d) A Fire Management Plan acceptable to the County Fire Marshal be provided and followed. This plan shall address fire management during the construction and maintenance of the solar installation.

2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

10-8-3: Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications

a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses.

b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable.

c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.

d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.

e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.

f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.



g) 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.

**9. REVIEW and POSSIBLE APPROVAL—** Application Z-2023-071 for a C-1 Conditional Use Permit for Solar energy systems (minor) located approximately 14195 N Highway 132 Leamington within the Agriculture 20 (Ag-20) zoning district. Frank Vincent Family Ranch Operations, LLC, Owner

Cody Dickson with Rural Power and Light approached the commission and gave a description of the application. They would like to put the solar panels on the property to help offset the power demand for the existing pivots on the property.

Commissioner John Nye made a MOTION to approve application #Z-2023-071 As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Approve the C-1 Conditional Use Permit application permitting the construction and operation of a Solar Energy System (minor) with the following reasonable conditions:

a) Setbacks from property lines shall be those identified in 10-25-2 Appendix B-1 in the Agriculture 20 (Ag-20) Zoning District.

b) Necessary Warning Signage be placed on site perimeter fencing, electrical equipment.

c) A weed-free area be maintained below and around equipment and for a distance at least 25' around panel installation.

d) A Fire Management Plan acceptable to the County Fire Marshal be provided and followed. This plan shall address fire management during the construction and maintenance of the solar installation.

2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

10-8-3: Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications

a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses.

- b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable.
- c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
- d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
- f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.
- g) 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.

## **10. OTHER BUSINESS**

Planner Adam Richins stated that he has had several discussions recently with both TransWest project as well as the Intermountain Power Agency project. Both getting ready to start their converter stations.

Millard County is currently working on the Master Transportation Plan and the Millard County General Plan will be next. The subdivision ordinance will go along with that and that there will be a lot of updates.

## **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 4<sup>th</sup>, 2023 were presented for consideration and approval. Following review and minor corrections Commissioner John Nye made MOTION to approve the minutes from October 4, 2023. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission meeting held November 29<sup>th</sup>, 2023 were presented for consideration and approval. Following review and minor corrections Commissioner Joyce Barney made MOTION to approve the minutes from November

29th, 2023. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative

**13. ADJOURNMENT** – Commissioner DeMar Iverson made a MOTION to adjourn at 7:53pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

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Dated this \_\_\_ day of \_\_\_\_\_ 2024  
David Sturlin, Chairman  
Millard County Planning Commission