

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
March 6, 2024**

The Millard County Planning Commission met on Wednesday March 6, 2024, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Joyce Barney ..... Planning Commission Vice Chairman  
Phil Morrison ..... Planning Commissioner  
DeMar Iverson ..... Planning Commissioner  
John Nye ..... Planning Commissioner  
Pat Manis ..... Planning Commissioner

**EXCUSED:** David Sturlin ..... Planning Commission Chairman  
Erin Sorenson ..... Planning Commissioner  
Mallori Wood ..... Secretary

**ALSO PRESENT:**

Adam Richins ..... Millard County Planner  
Denton Peterson ..... Deputy County Attorney  
Ross Anderson ..... Millard County Resident  
Floyd Anderson ..... Millard County Resident  
Barry Anderson ..... Applicant  
Cherrie Anderson ..... Applicant  
Tyla Weaver ..... Millard County Resident  
Derrick Eliason ..... Applicant  
Jacklyn Anderson ..... Millard County Resident  
Lynn Anderson ..... Millard County Resident  
Dean Lewis ..... Millard County Resident  
Marilee Lewis ..... Millard County Resident  
Jerry Anderson ..... Millard County Resident  
Bruce Coombs ..... Millard County Resident  
Terri Coombs ..... Millard County Resident  
Riley Turner ..... Millard County Resident  
Bailey Turner ..... Millard County Resident  
Taden Turner ..... Millard County Resident  
Charlie Edwards ..... Applicant  
Kari Mitchell ..... Millard County Resident  
Janet Dutson ..... Millard County Resident  
Vicki Lyman ..... Millard County Commissioner  
Curtis Eliason ..... Millard County Resident

Bryce Moody .....	Millard County Resident
Colt Ekker .....	Millard County Resident
Laurie Mathews .....	Millard County Resident
Mike Hanson .....	Hanson Planning Group
Caden Cropper .....	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** – Vice Chairman Joyce Barney called the meeting to order at 6:37 pm. She welcomed all present.
- 2. PUBLIC INPUT-** There wasn't any public input.
- 3. PUBLIC HEARING** – Application # Z-2024-004 to change the zoning of property located at approximately 400 North Main Street Oak City from Agriculture 20 (Ag-20) to Residential (R-1). Barry C. Anderson, Applicant.

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

Barry Anderson approached the commission he went over his comments that he sent to the commission.

Commissioner DeMar Iverson 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** – Application # Z-2024-004 to change the zoning of property located at approximately 400 North Main Street Oak City from Agriculture 20 (Ag-20) to Residential (R-1).

There was discussion about the existing Oak City town culinary well.

Commissioner John Nye stated that if what is being requested is an allowed use it is the Planning Commission's responsibility to send a favorable recommendation to the BOCC. Then the Health Department or whomever is responsible for the water can make a decision based on their findings.

There was discussion about the existing lots.

Denton Peterson stated that because this is zoned as Ag20 the applicant would need to change it to R1 to have 4 legal lots.

There was discussion about the area being annexed into Oak City Town. The applicant stated they have asked the town about annexation but the town is worried about being able to provide enough water.

There was discussion about whether the application fits all the requirements to be rezoned to R1.

Commissioner John Nye made a MOTION to send a favorable recommendation for application Z-2024-004 to the Board of County Commissioners as it is in conformance with the Millard County General Plan. Commissioner Pat Manis SECONDED the motion. Commissioner Joyce Barney opposed; motion passed.

Commissioner Joyce Barney stated that for the record, she is not opposed to what the applicant is wanting to do, she just felt like there is a better way to divide the property; and not affect the water source protection zone.

## **RECOMMENDATION**

- A. Recommend the zone change from Agriculture 20 (Ag 20) to Residential (R1).
- 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)

**5. PUBLIC HEARING** – Application # Z-2024-005 to change the zoning of property located at approximately 4100 W 3500 S Delta (Deseret) from Agriculture (Ag) to Highway Commercial (HC). Sam Edwards, Applicant.

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

Charlie Edwards approached the commission on behalf of Sam Edwards, the applicant, and gave a description of the application.

Charlie Edwards stated that because of the cost to add septic tanks and other requirements Sam has decided not to put in the temporary housing. They would like to possibly put in an office warehouse type building.

Denton Peterson stated that because the applicant has decided not to put in the temporary housing doesn't mean they can't still request the zone change for other projects. When the commission is considering a zone change, they're not considering just the project in the application. They are considering all possible uses in the zone.

Tyla Weaver approached the commission and stated she is a neighbor to the property in the application. She is against the application because they bought residential and are afraid of what the zone change would do to their property values. She would not like to see the zone change go through.

Planner Adam Richins stated he received letters with comment on this application. There is one from the Deseret Oasis Special Service District in regard to the initial application that was included in the packet. They expressed that they are not able to provide water sufficient for the original proposal. Other letters submitted were also advocating against approval on the zone change from Jeff Weaver and Jeff Lovell.

Kari Mitchell approached the commission and stated she lives east of highway 257. She is opposed to it mainly because the roads are already full of vehicles and changing the zone to high way commercial would increase the traffic.

Terri Coombs approached the commission and stated that the traffic on that road is a big concern of hers. There is already heavy traffic and adding more would be detrimental to the area.

Dean Lewis approached the commission and asked if the section of ground that had a sign up in the 1980's that said Hinckley Industrial Park meant that the area was already zoned commercial. Planner Adam Richins stated that area is in Hinckley Town limits.

Curtis Eliason approached the commission and stated he is opposed to the zone change.

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

**6. REVIEW and POSSIBLE RECOMMENDATION** – Application # Z-2024-005 to change the zoning of property located at approximately 4100 W 3500 S Delta (Deseret) from Agriculture (Ag) to Highway Commercial (HC).

There was discussion about the table of uses within the county.

There was discussion about changing lots within the subdivision.

Planner Adam Richins went over the recommendations in the Staff Report.

There was discussion about water in the area.

There was discussion about changing the zone to Highway Commercial would it be compatible with the surrounding uses.

Commissioner John Nye made a MOTION to send an unfavorable recommendation on application #Z-2024-005 to the Millard County Board of County Commissioners based on the recommendations B 1 through 8 Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

A. Recommend the zone change from Agriculture (Ag) to Highway Commercial (HC) be approved only if it can be determined that uses operations permitted in the Table of Uses are an appropriate 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)

**7. REVIEW and POSSIBLE RECOMMENDATION**—Application #Z-2024-008 for a Plat Subdivision located at approximately 4375 W 4500 S Delta. Derrick & Ashley Eliason, Applicants.

Derrick Eliason approached the commission and gave a description of his application.

There was discussion about the dedicated road in the area.

Commissioner Joyce Barney went over the recommendations with the applicant.

Commissioner DeMar Iverson made MOTION to send a favorable recommendation on application #Z-2024-008 to the Millard County Board of County Commissioners as it is in conformance with the Millard County General Plan. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Recommend the Plat Subdivision for approval as proposed.

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 telecommunications, 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.

**8. REVIEW and POSSIBLE RECOMMENDATION**—Application #Z-2024-009 for a Plat Subdivision located at approximately 2500 S 500 E Delta. John Staples, Applicant.

Riley Turner approached the commission on behalf of applicant John Staples and gave a description of the application.

There was discussion about the applicant being responsible for the roads in the area. Planner Adam Richins stated he has discussed that with the applicant and he is aware.

Commissioner DeMar Iverson made a MOTION to send a favorable recommendation to the Millard County Board of County Commissioners as it is in conformance with the Millard County General Plan. Commissioner Phil Morisson SECONDED the motion. Voting was unanimous in the affirmative.

## **RECOMMENDATION**

1. Recommend the Plat Subdivision for approval as proposed.

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 telecommunications, 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.

**9. OTHER BUSINESS** Mike Hanson with Hanson Planning Group discussed updating the Millard County General Plan.

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

**11. APPROVAL OF MINUTES** – This item was moved to the next scheduled meeting.

**12. ADJOURNMENT** - Commissioner Pat Manis made a MOTION to adjourn at 8:45 pm. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

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Dated this \_\_\_ day of \_\_\_\_\_ 2024  
 Joyce Barney, Vice Chairman

Millard County Planning Commission