

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
June 6, 2012**

The Millard County Planning Commission met on Wednesday June 6, 2012 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Robin Smith ..... Chairman  
Greg Greathouse ..... Planning Commissioner  
Joyce Barney..... Planning Commissioner  
Molly Stevens ..... Planning Commissioner  
David Sturlin..... Planning Commissioner  
Gary Walker ..... Planning Commissioner

**EXCUSED:** Gordon Chatland ..... Planning Commissioner  
Richard Waddingham ..... County Attorney

**ALSO PRESENT:**

Sheryl Dekker ..... County Planner  
Amber Nickle ..... Secretary  
Bruce Parker ..... Planning & Development Services, LLC  
Greg Kesler ..... Residential Facility McCornick  
Kaylynn Kesler ..... Residential Facility McCornick  
Anthony Fuller ..... ADF Holding, LC

**1. WELCOME, CALL TO ORDER**

Chairman Smith called the meeting to order at 7:03 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – May 2, 2012**

The proposed minutes of the regular Planning Commission meeting held May 2, 2012 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner David Sturlin made a MOTION to approve the minutes, as corrected. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW and DISCUSSION of ADF HOLDING, LC'S on Amended Conditional Use Permit #Z-2005-006 Requiring a Restoration Bond – Anthony Fuller (tabled from May 2, 2012 pending counsel from Millard County Attorney Richard Waddingham)**

Greg Greathouse stated that he spoke to the County Attorney and that Mr. Waddingham needs more time to research the bond issue. Joyce Barney asked Mr. Fuller if he would be willing to replace the bond with a letter of credit for \$35,000. Mr. Fuller stated that he went to Zion's Bank and asked for a letter of credit from Rick Archibald. At that time he learned that he did not have the means to receive a line of credit from the bank.

Chairman Smith asked if the gravel pit is regulated by the state. The consensus was that gravel pits are not regulated. He stated that he does not have a problem releasing Mr. Fuller from the bond. Chairman Smith stated that he should be able to do what he wants with his own land.

Greg Greathouse disagrees with Chairman Smith. Mr. Greathouse stated that no one knows what could happen in the future. He feels that the bond requirement is there for a reason. He stated that he has seen problems in the past that could have been rectified by a bond.

The County Planner stated that in the past some gravel pits have been abandoned and the bond has not been enough to reclaim the land back to the way it was. Mrs. Dekker stated that the people most affected are the adjacent property owners.

Mr. Fuller stated that he does not have a problem with having a bond; however, Carling & Company just had their permit amended and, again, were not required to have a bond. Mr. Fuller stated that if Carling & Company is not required to bond, ADF Holding should not be required to have a bond.

Joyce Barney stated that just because the Planning Commission made a mistake by not including a bond requirement on Carling & Co. does not mean the Planning Commission should no longer require bonds for gravel pits.

David Sturlin stated that the only change he could see that would be fair to Mr. Fuller is letting him put the required \$8,000.00 in a savings account that he could gain interest from instead of paying a bond company every month.

Greg Greathouse made a MOTION to table the item until the next planning meeting when the County Attorney can be present. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE DECISION** on Application # Z-2012-009 for a Conditional Use Permit for a Residential Facility for Persons with a Disability located at 9431 N 400 West (Coats Road), McCornick. (The proposed new ordinance does provide for this type of facility in RF-20, AG-20, AG, and R1 zones).

Joyce Barney asked if the application has to wait until the changes are made to the *Land Use Code* before the application can be approved. The consensus from the Planning Commission was that the application would be pending until changes are made to the *Land Use Code*.

Bruce Parker stated that there are state and federal laws in place at the current time regulating these types of facilities. He stated that the *Land Use Code* does not currently address these types of facilities, but will in the new *Land Use Code* which is being prepared for adoption soon.

Mr. Kesler stated that his facility is state regulated and he was required to complete several forms to become compliant with state regulations. He states the only change that has been made since becoming state regulated is now they get paid for their program, whereas before they would pay the boys a wage.

Greg Greathouse asked how many people would be in the program at one time. Mr. Kesler stated that they would have no more than eight at one time. They currently have three. The state would allow them to have ten to twelve at one time but they do not have a desire to have that many at once.

Bruce Parker stated that the state relies on the county agencies to make sure the facility is up to standards. These local agencies include fire and health departments and the building inspector. Mr. Kesler stated that their facility is no different from any other business in the county that would be regulated by these county agencies.

There was discussion as to whether the facility would be considered a permitted use or a conditional use.

Chairman Smith asked how they could speed the application along without the changes being made to the *Land Use Code*.

Molly Stevens stated that she would like this type of facility to be allowed in AG20 but not A1. Bruce Parker stated that state and federal fair housing laws regulate these types of facilities and already allow them in A1 and residential areas.

Bruce Parker stated that there are three things that need to happen with the application which are:

- 1- Describe the nature of the facility
- 2- Review by Millard County
- 3- Stay in compliance with state and federal regulations

Mr. Kesler stated that his program has been regarded as a pilot for future programs due to its high success rate.

David Sturlin made a MOTION to approve application #Z-2012-009 2. Basis for Issuance of a Conditional Use Permit are as follows:

- A. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the county.
- B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.
- C. The proposed use will comply with the regulations and conditions specified in this chapter for such use.
- D. The proposed use conforms to the goals, policies and governing principles of the county general plan.
- E. That, for uses designated as accessory uses, the use will support and further the principal use of the property. (Ord. 08-04-01B, 4-1-2008)

Commissioner Sturlin also stated that the following reasonable conditions should be included in the 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 complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable. *Millard County Zoning Ordinance Planning Commission Public Hearing Draft – 2012 37*
- 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 Conditional Use 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 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) Provide stated license documents with classification of facility.

i) Identify the nature of the residential facility and identification by county of number of occupants allowed.

j. Conditional use permit must be consistent with the “new” *Land Use Ordinance*.

Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

**5. PUBLIC HEARING** for the purpose of receiving public comment on the proposed amendments to the Millard County Development Code (a Land Use Ordinance) case # Z-2011-006

Joyce Barney made a MOTION to open a public hearing to receive comment on case #Z-2011-006. Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative. Public hearing was open at 8:08 P.M.

Bruce Parker stated that changes are being made to the *Land Use Code* to come into compliance with current state and federal laws, to clarify specific areas in the *Land Use Code*, and to check for accuracy.

Some of the areas being addressed are:

- Residential facilities
- Airports
- Check for accuracy throughout plan

Greg Greathouse made a MOTION to close the public hearing. David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was closed at 8:14 P.M.

**6. REVIEW and POSSIBLE RECOMMENDATION** on case # Z-2011-006 for proposed amendments to the Millard County Development Code (a Land Use Ordinance)

There was some discussion on gravel pit permits and bonding issues regarding how much land is included on the application and what the owner actually owns.

Bruce Parker stated that it is not feasible to require gravel pit owners to put up a bond that would totally cover reclamation of a gravel pit area. Bruce Parker stated that it would be close to \$100,000.

Molly Stevens asked if it would be possible to require a minimum of \$8,000 per gravel pit.

Greg Greathouse asked if it would be possible to make a change to the *Land Use Code* that would require all gravel pit companies to have a bond and hold Carling & Company responsible for getting a bond on their current gravel pit.

There was some discussion on the policy of being grandfathered in under new county regulations.

Joyce Barney asked about the billboards that were blown down in the county. Bruce Parker and Sheryl Dekker stated they would look into it.

**7. OTHER BUSINESS**

**8. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-4&5**

**9. ADJOURNMENT**

Joyce Barney made a MOTION to adjourn. David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The meeting closed at 8:24 P.M.

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Robin Smith, Chairman  
Millard County Planning Commission