

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 5, 2015**

The Millard County Planning Commission met on Wednesday August 5, 2015 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Gary Walker Planning Commissioner Vice Chairman
Joyce Barney Planning Commissioner
Molly Stevens Planning Commissioner
Jodi Robison Planning Commissioner
Greg Greathouse Planning Commissioner

EXCUSED: Richard Waddingham Deputy County Attorney
Tom Nielson Planning Commissioner

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt Secretary
Dean Draper Millard County Commissioner
Richard Holdaway Property Owner
Noreen Holdaway Property Owner
Doyal Mitchell Agriculture Protection Committee
Jim Kaufman Black Rock
Cynthia Kaufman Black Rock
Steve Styler Attorney for Murphy Brown LLC

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 with Millard County, Utah as required by law, the following proceedings were had:

1. Welcome, Call to Order

Planning Commission Chairman David Sturlin called the meeting to order at 6:42p.m. He welcomed all present.

2. APPROVAL OF MINUTES –

The proposed minutes of the regular Planning Commission meeting held June 3, 2015 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Molly Stevens made a MOTION to approve the minutes for June 3, 2015 as corrected. Planning

Commissioner Greg Greathouse **SECONDED** the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE RECOMMENDATION** on an Agriculture Protection Area Proposal #Z-2015-016. Consider the recommendation of the Agriculture Advisory Committee along with any written requests for modification of or objections to the proposal. Murphy-Brown – Applicant.

Richard Holdaway approached the Commission. He has property adjacent to the Circle Four Farm property. He is objecting to this application. He is concerned about how this will affect the surrounding properties. Planning Commissioner Greg Greathouse asked if his property was in the Hatten area over by Kanosh. Mr. Holdaway stated he is in the upper half of section 31. Mr. Holdaway is asking what type of restrictions the applicant is expecting to place from the surrounding land owners. Planning Commissioner Greg Greathouse stated that the agriculture protection is not restricting the other property owners from doing anything. This protection is to protect Murphy Brown, LLC and guarantees the property owner the right to use the property as a continued agriculture use regardless of what happens with the future development on surrounding properties.

Millard County Planner Sheryl Dekker stated that this is an over lay zone on the agriculture protection area. Planning Commissioner Jodi Robison asked how long Murphy Brown, LLC has owned this property. Planner Sheryl Dekker stated that they have owned this property for over 10 years. She then stated that the applicants are applying for Agriculture Protection Areas for all their property in other counties.

Richard Holdaway stated if the Commission does approve this he fills that he will be at risk. He then stated that he is concerned that the applicant will try and shut down other operations that will be a nuisance to them. Richard Holdaway stated that he is still objecting this proposal. Commissioner Greathouse stated that these protections are just to protect the property owners from nuisance lawsuits. They are not to shut down other property owners operations.

Attorney Steve Styler approached the commission on behalf of the Circle Four Farms which is a DBA under Murphy Brown, LLC. He stated that he has been representing them since last fall but they have been using the Waddingham and Associate PC firm for a very long time. He stated that they are applying for the same Ag Protection areas in Millard County, Beaver County and Iron County.

Steve Styler stated that the purpose of this proposal is to have protection provided to the Murphy Brown, LLC. This would protect the property owners from nuisance lawsuits, protection against eminent domain usage, and encroachment.

Richard Holdaway asked Mr. Styler how this provision has helped in the other counties. Steve Styler stated that this is the first time Circle Four Farms has applied for these protections. He then verified that they have not received approvals from any other counties at this time, they have just been filed within the last 60 days.

Richard Holdaway asked that if anything was ever to be done as non-agriculture would it have to be rezoned. Steve Styler verified that it would have to be rezoned. Richard Holdaway is asking why that is not enough protection. Steve Styler stated that they would be covered under the agriculture part but not protected for nuisance lawsuits. Commissioner Greg Greathouse stated that the Agriculture Protection does not prevent any adjacent land owners from doing anything on their own land.

Doyal Mitchal with the Agriculture Protection Committee asked if there is any buffer zones. Commissioner Greathouse stated that this does not establish a buffer zone.

Planning Commissioner Jodi Robison asked if everyone within 1000 feet have been notified. Planner Sheryl Dekker stated that the applicant provides the list of property owners within 1000 feet, then she mails out packets to the property owners as well as the Agriculture Protection committee. The packets contain the same material that the Commission receives about the application.

Planning Commission Chairman David Sturlin read the Proposal: Murphy-Brown, LLC is proposing to create an agriculture protection area which guarantees the property owner the right to use the property as a continued agriculture use regardless of what happens with future development surrounding the property. This means that if development of the surrounding property occurs, new development cannot infringe on the agriculture protection area. The rights of the agriculture protection area supersede any of the new developments rights. The property owner(s) can request that the protection be removed and the property rezone at any time before it is reviewed in twenty years.

Commissioner David Sturlin asked if it would need to be reviewed in 20 years. Planner Sheryl Dekker verified that the applicant would have to reapply after the limited time of 20 years.

Commissioner David Sturlin stated that the Board of County Commissioners (BOCC) will be the land use authority with this application. The Planning Commission will only send a favorable or unfavorable recommendation to the BOCC.

Richard Holdaway then asked the Commission if he where to build a house on his property would there be anything that would prevent him from doing so. Commissioner Gary Walker stated if this application is approved there would be

nothing to prevent that. Planner Sheryl Dekker stated that if there was an animal confinement already created on this land there would be limits of how close to the confinement he could build. There was some discussion of how that is already part of the county ordinance, and it has nothing to do with this proposal.

Commissioner Joyce Barney asked if there has ever been a nuisance complaint. Steve Styler stated that as of his knowledge there has not.

Commissioner Greg Greathouse recused himself from voting on this application as he is part of Waddingham and Associates PC which represents the Murphy Brown LLC.

Commissioner Gary Walker made a MOTION to send a favorable recommendation to the Board of County Commissioners for proposal # Z- 2015-016 for the Agriculture Protection Area requested by Murphy Brown as written by the proposal of the staff. Commissioner Joyce Barney SECONDED the motion. Voting was affirmative with the exception of Commissioner Jodi Robison who voted in the opposition to the motion. The Motion Passed.

Planner Sheryl Dekker stated that there will be a public hearing with the BOCC in September.

Commissioner Gary Walker asked if this is the same kind of application that was filed by the Nye Dairy. Steve Styler confirmed that this is the same kind of application that was done by several other applicants in previous years.

4. PLANNING and ZONING ADMIDSTRATOR'S REPORT –

- Discussion Regarding Language in 2005 Land Use Ordinance Regarding Recreational Vehicle and Travel Trailers – Mobile Home Parks and RV Parks
- September meeting will review only the Millard County “draft” Subdivision Ordinance Subdivision standards, definitions review and approval procedures, and land use authorities. Public hearing will be set for October 7, 2015

Planner Sheryl Dekker is concerned about the new language in the new ordinance and how it is not restricting living in a travel trailer for no more than 30 days out of a calendar year. Commissioner Greg Greathouse asked if there is a provision for them to stay if they are building a home. Planner Sheryl Dekker confirmed that they may live in a travel trailer up to one year if building a home.

Planner Sheryl Dekker stated that the Planning Commission Subcommittee is working very hard on the subdivision ordinance so the draft provision can be

ready for the Commission to review before the September meeting. Then the Commission will have the public hearing in October.

5. PUBLIC INPUT

6. OTHER BUSINESS

Millard County Commissioner Dean Draper approached the Commission regarding the development and scoping on Sevier Lake also known as Peak Minerals Inc. There was some discussion about a power point that has been forwarded to the Commission regarding this project.

Millard County Commissioner Dean Draper briefly discussed more about the resource management plan that the county is going to be putting together. There is some question of how this will proceed along with funding. He stated that when they get all the bugs worked out they will be putting together committees to put together this plan.

Millard County Commissioner Dean Draper then discussed the expansion of our energy corridor. There are several entities that are looking to pass through Millard County. He asked the commission to view some maps to get a better idea of the area and corridors. There was a brief discussion with the Commission of the possibilities on expanding our corridor in the future.

7. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-204 & 205

8. ADJOURNMENT

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 7:54pm.

Dated this ___ day of _____ 2015
David Sturlin, Chairman
Millard County Planning Commission

