

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
September 6th, 2017**

The Millard County Planning Commission met on Wednesday September 6th, 2017 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Tom Nielson.....Planning Commissioner
Joyce BarneyPlanning Commissioner
Greg GreathousePlanning Commissioner

EXCUSED: Molly StevensPlanning Commissioner
Jodi RobisonPlanning Commissioner
Gary Walker Planning Commission Vice Chairman

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Dean DraperMillard County Commissioner
Angi Meinhardt..... Secretary
Richard Waddingham Deputy County Attorney
Barbara Clark..... Chronicle Progress
Peggy Sorensen Scipio Resident
Pamela Sheridan Scipio Resident
Geoffrey Sheridan..... Scipio Resident
Denise Beggs Scipio Resident
Dan Beggs Scipio Resident
Kolby Bond Scipio Resident
Michael Case Scipio Resident
Patricia Case Scipio Resident
Randy Embrey Scipio Resident
Stacie Embrey Scipio Resident
Ivan Robins..... Scipio Resident
Janice Robins Scipio Resident
Donald Sides Scipio Resident
Deray Quarnberg Scipio Resident
Loyal Adams Scipio Resident
Tonia Adams..... Scipio Resident
Wendy Edwardo Scipio Resident
Kathy Memmott..... Scipio Resident
Sam Memmott Scipio Resident
Meria Henubz Scipio/SLC Resident
Olivia Antonio..... Salt Lake Resident
Irma Lara Salt Lake Resident

Flora Martin.....	Salt Lake Resident
Oin Luire	Salt Lake Resident
Joy Porter	Lindon Resident
Carmen Oliveira.....	Sandy Resident
Martin Herrera.....	Kaysville Resident
Arturo Martinez	Salt Lake Resident
Catarino Lambing	Salt Lake Resident
Tammy Quarnberg.....	Scipio Resident
Kim Quarnberg	Scipio Resident
Paul Mansen.....	Scipio Resident
Larry Noland	Scipio Resident
Morris Robins.....	Scipio Resident
Jackie Robins	Scipio Resident
Bradley C Johnson	Central Utah Public Health Dept.
Dallen Quarnberg	Scipio Resident
Suzanne Quarnberg	Scipio Resident
Don Quarnberg.....	Scipio Resident
Mike Monroe.....	Scipio 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 – Chairman David Sturlin

Planning Commission Chairman David Sturlin called the meeting to order at 6:40 pm. He welcomed all present.

2. PUBLIC INPUT

Commissioner David Sturlin asked if there was any public input for the next agenda item: C-1 Permit for a campground.

Pam Sheridan from Scipio approached the Commission. She stated that the zoning for this land is agricultural. She stated that there are buildings on the land that have been approved as agricultural buildings and she does not consider them being agricultural buildings. Pam Sheridan stated that this application is trying to be accomplished in the wrong zone. She stated that she is not opposed to the nature of what the applicants want to accomplish, rather they are trying to accomplish this in the wrong zone. She stated there are many other concerns such as water, fire protection, emergency vehicle access, sanitation, garbage disposal, and road maintenance. She stated this

problem should have never gotten this far. She hoped that the party can find a more suitable property to continue their program correctly.

Commissioner David Sturlin stated that Conditional Use Permits are allowed in agricultural land and referred to the code. He read the description of code 5. An agricultural zone does not prohibit these if they have a C1 permit.

Morris Robins from Scipio approached the Commission. His biggest concern is the water issue. There is no water associated with this land, not from the town of Scipio nor the Scipio Irrigation Company. There is no water accessible to this property. Another concern is the existing fire pits. As they could cause many dangers without accessible water.

Millard County Planner Adam Richins addressed the Commission. He read Chapter 8: Title 10-2 of the Millard County Ordinance. He stated that the Commission can approve the application, approve it with conditions, or deny the application.

Planner Adam Richins addressed the question about the existing buildings. He stated that the applicants did construct the buildings without approval for the buildings and also without approval for the use of the buildings. Commissioner Greg Greathouse asked if there were any inspections done on the existing buildings. Planner Adam Richins confirmed that there has not been any formal inspections from the County on the buildings. He stated he did conduct a site tour about two months ago. There have been no inspections ensuring the buildings follow the building codes. He then stated that the applicants did not meet the requirements for the proposed use during the site tour.

Dallan Quarnberg from Scipio approached the Commission. He stated he can speak about the water issue from both the residents stand point and the irrigation company stand point. He stated that Mr. Robins is correct and there cannot be any water supplied from the town of Scipio. Their ordinances precludes them from providing culinary water to this property. They are only allowed to provide livestock water outside the town limits. The irrigation company currently does not have any stock water for any purposes that the permit will need.

Dallan Quarnberg stated they have a worthy goal but part of their licenses and permits are in question. There are issues with sanitation and trash removal. There are no fees being collected for the use of transfer station. He stated that the CUP can be permitted for RVs and tents. He asked what is defined as a tent. As the existing structures are more permanent.

Commissioner Greg Greathouse asked to hear from the applicants so we can put things in context. He would like a better understanding of the project.

Commissioner David Sturlin stated that he will receive comment from the applicant and allow further input from public so the Commission will have adequate information.

Joy Porter from Lindon Utah approached the Commission in regards to the applicants. She stated that this program is absolutely needed in the community and in everyone's lives. She gave some description of the program that the applicants have and description of her personal, successful experience she has had with the applicants and the program. She stated that the applicants running the program are making zero money from the program. She stated there is very high security and people are searched as they arrive. The food is already prepared when they arrive to camp.

Joy Porter stated that there will be all kinds of fire protection. She also stated that the applicants are willing to get inspections on the existing buildings. She then confirmed that one of the buildings was already on the land when the property was purchased. She stated the applicants will do whatever needs to be done to proceed with this program. There does not need to be a licensed therapist for the 12 step program. There is a very systematic system that they use and it works.

Commissioner Tom Nielson asked if this is a year around program. Joy Porter stated if there are people willing to go they will show up even in January. They will take 1-5 people at a time, once a month, to the property. Commissioner Tom Nielson stated that the Commission has to follow the regulations that have been set by the state. He is concerned that the property has had so much progress without any permits. He then stated the situation would have not been so harsh if the applicants would have completed the inspection process and construction process on the buildings. Joy Porter agrees with Commissioner Nielson. She stated it was ignorance, they just did not understand the process. This is the first 12 step program that Daniel Rodriguez had started.

Commissioner Tom Nielson stated that the program sounds great but it's the rules and regulations that the Commission needs to follow. Joy Porter stated that they would like to proceed with the process and use only tents until the property is up to code.

Commissioner Joyce Barney stated the Commission is not against the program, just the illegal structures and lack of permits. She then stated, to make it right, legally, the buildings should be torn down and rebuilt with the proper inspections. Joy Porter stated that her understanding was the buildings have been somewhat inspected as if they were a barn type facility. If they are a barn then she thought they would pass inspection. Commissioner Joyce Barney stated these are not barn like buildings. People are using these

buildings and they are not up-to-code. Commissioner Tom Nielson stated that the big problem is that things have been done before anything was approved.

Commissioner Greg Greathouse stated that even on a campground there would be requirements of water. Planner Adam Richins stated the State has requirements for water. The Utah Administrative code addresses the minimum requirements for sanitation, and onsite culinary water that is treated as a public system. Planner Adam Richins stated the requirements are quite high because the water will be consumed by the public not just the property owner. He then stated there are requirements for disposing of human waste. Joy Porter asked if there is a difference between public or private campground because this is on private property. Commissioner Joyce Barney stated there would still be the health and safety issues even though it is private property.

Brad Johnson with Central Utah Public Health Environmental Science approached the Commission. He stated his concerns would be the public sanitation. There is State Administrative Rule R392-300 that addresses Recreation Camp Sanitation. He stated that there are regulations that are required for the water. All campgrounds have to meet the same State standards as if it was for a community. Solid waste has to be collected in a dumpster with a lid.

Brad Johnson stated he was at the site a couple weeks ago and his biggest concern is the wastewater. The make-shift porta potties are not approved by the health department. They need to be commercial grade porta potties. Brad Johnson stated that the food prep sight has to meet the same standards as a commercial kitchen. Brad Johnson stated that if the property owners do not follow the rules, the Health Department can charge fines and charges under Title 26. Brad Johnson stated that the codes have to be met for the owner's protection. He stated that before they continue with the program they need to meet all sanitation rules, with no exceptions.

Joy Porter asked if a professional porta potty would meet the standards. Brad Johnson stated that could be an acceptable solution short term. Brad Johnson then stated there are some flush toilets on the property. Martin Herrera stated those toilets are not being used. Brad Johnson stated that they could do a septic system but that would have to go through a permit process as well.

Joy Porter asked if they brought in their own culinary water would that meet code. Brad Johnson stated that Central Utah Public Health does not like water brought in for a permanent facility. Planner Adam Richins stated that is not permitted in Millard County for camp sites or any remote site. He then stated that every county is different with that rule.

Martin Herrera from Kaysville approached the Commission. He would like to speak on behalf of his group and apologized because he was not aware that he had to have any permits to proceed with the program. He then stated that they are willing and would like to comply with everything. He understands the concerns from the public. Martin Herrera stated if they need to restart everything they will do it. He stated his companions agree with him and are also willing to do whatever it takes to make it right.

Martin Herrera then told some of his personal experiences with this program that he has had. He then stated that he was in the restaurant business and he is aware of all the health department regulations. They are willing and want to comply with all requirements.

Ivan Robins approached the Commission. He knows the program and knows how important it is to people and their lives. His concern is that it is a farming area and the program is good but the area is not. He is concerned about the open fires and the effect it could have on the entire town as the property is full of dry grass. His other concern is the access to the property is closed during snow fall. There is no place to push the snow. With the farms in that area it is not a place to have a campground.

Kim Quarnberg approached the Commission. He agrees with everything about people having problems. He stated he has taught the 12 step program in prisons, church, and seminary buildings. He stated it does not need to be taught in the wide open dry patch. He is concerned that this program will cost the County money because of liability.

Kim Quarnberg stated the road will need to be extended 60 feet and the power line would have to be relocated. The widened roads will make it so the surrounding property owners will have to build new fences. All of the irrigation culverts along that road would have to be changed and moved. He stated the biggest concern would be the liability of the fire hazard. He asked who would pay for the recovery if there was a fire. None of the people here today are against the program but there is not anyone in the room willing to pay the price. Kim Quarnberg stated this has been going on for 2 years and it needs to be put to rest one way or the other.

Catarino Ambino approached the Commission. He knows why everyone is concerned today, but this program is about saving lives. If the County will give them a chance and let them start over. He stated they will abide by every rule if they can continue with the program. They are willing to take everything down and start over.

Mike Monroe approached the Commission. He appreciates the program but his concern is why was it not researched, thought through, and permitted before the program started. They should have already addressed the water

issue and sanitation. He stated the applicants should have had architects involved with the construction of the buildings.

Kolby Bond approached the Commission. He stated there is no doubt it is a good program but the location is not. He stated that his house is the last house going down the lane. So when the road is closed he is the one whose driveway becomes the parking lot. He will be unable to move his equipment in and out around his land. He would hope we can leave emotions out of this and look at the facts for a decision. Kolby Bond then stated he hopes that the program can proceed in a different location.

Commissioner Greg Greathouse asked Kolby Bond if the road that he drives on to get to his home is a county road. Kolby Bond confirmed that it is a county road but it is not very wide. Kolby Bond stated you cannot have 2 trucks pass going separate ways. He stated there are field risers on each side of the road. Kolby Bond stated that the County did come try to push snow on this road this past winter and they broke fence posts when moving the snow out of the way. He stated it would be a great deal to get this road widened and power lines moved.

Kolby Bond stated his home is right across the street so he sees a lot of debris from construction blown in his yard. He stated it is nothing like paper plates and stuff, just construction debris. Commissioner Greg Greathouse asked how far the house is from the proposed property. Kolby Bond stated it's probably within a mile. He then stated the water that is taken out to the property is from Scipio town that the local people are paying for.

Morris Robins approached the Commission and stated that he agreed with Kolby Bond and we need to keep our emotions out of this. The town people from Scipio are sympathetic about making them leave. He is very concerned about the fire hazards.

Commissioner Joyce Barney stated that in the packet the recommendation stated that the application did not comply and should not be approved.

Commissioner David Sturlin read the recommendation on the staff report: The conditional use application as submitted does not comply with the requirements of this title, all other applicable ordinances and resolutions, and the building codes as adopted, and should not be approved. Any consideration for approval should be substantiated by evidence of compliance with all federal, state, and local requirements along with the imposition of reasonable mitigating conditions including, but not limited to, those listed in Section 10-8-5.

3. REVIEW and POSSIBLE APPROVAL of Application # Z-2017-021 for a C-1 Conditional Use Permit for property located at SW1/4 Sec 20 T18S R2W,

approximately 100 W 700 S, Scipio Grid, for the purpose of a Campground.
Daniel Rodriguez & Jose Arturo Martinez.– Petitioners / Owners

Commissioner David Sturlin asked the Commission if they have a recommendation at this point.

Commissioner Joyce Barney stated she appreciates the concerns from the public. She appreciates that both sides come to the meeting. She asked if we deny this can they go back to square one. Millard County Attorney Richard Waddingham stated there is an appeal process. He then stated that there is a current problem of the violation of the building code. Those violations have to be addressed regardless of the decision.

Commissioner Greg Greathouse asked what the use of the property was prior to this and what the road was used for. Scipio residents stated there was no snow removal and it was dryland farmed and grazed prior to this. Millard County Attorney Richard Waddingham asked how many people will be on the premises during any given time. Martin Herrera stated the most would be about 18 people and that includes staff.

Commissioner Greg Greathouse made a MOTION to approve the CUP with the following conditions:

1. The applicant is responsible for the extra cost to maintain the road.
2. Applicants must get culinary quality water from Scipio including running water on site or well that will meet culinary state standards. If the well applicants choose the well option they must have a couple acre feet of water
3. No onsite fires.
4. Install septic tank system to go with the culinary quality water system.
5. Require adequate parking at site so people do not park on road or private property.
6. Come up with a plan to handle waste.
7. Comply with all federal and state laws including county ordinances.
8. They will need to deal with the construction of the buildings.
9. Planning Commission needs to review all plans of meeting these conditions before the CUP is finally approved.

Commissioner David Sturlin stated this will be put together in writing so it is clear to all parties. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

Commissioner David Sturlin stated if they comply with all the conditions there will be another meeting once there is a plan for the process. He stated this could take some time to get all things in order.

Commissioner Joyce Barney stated until they are compliant with the Millard County Ordinance there cannot be any more meetings on the proposed land.

Commissioner David Sturlin confirmed that the applicants are restricted from having any more meetings until they are compliant.

4. APPROVAL OF MINUTES – July 13, 2017

The proposed minutes of the regular Commission meeting held July 13th, 2017 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Greg Greathouse made a MOTION to approve the minutes for July 13th, 2017, as corrected. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

5. PLANNING and ZONING ADMINISTRATOR'S REPORT

Planner Adam Richins talked about the Resource Management Plan (RMP) that will be reviewed by the Commission. He stated that one of the items for the RMP has not yet been written. He stated that is upcoming. He stated that we could possibly review the RMP through google docs as suggested by Commissioner Jodi Robison. He stated the Commission needs to draft the air quality portion of the RMP.

Planner Adam Richins stated that another item that needs to be addressed is the table of uses for solar permits. This discussion will be on a future agenda.

Planner Adam Richins and Commissioner Draper were able to attend a meeting in Storey County Nevada with their Economic Development on industrial development. He stated that one of the components was for zoning. He stated that they have made their process more straightforward and faster for new industrial business to come to their county.

6. OTHER BUSINESS

Millard County Commissioner Dean Draper went over the industrial zone. He stated if we changed some parcels of land to industrial use then it would speed up the process and make it easier for a company to come in and start the process without that step. He stated it would allow development for our county. He stated it would not affect green belt, but if someone was wanting to come in and start the process it would already be done. The only thing they would have to do is a CUP. If we set up a zone like that it would allow for development. It would not be for someone huge that would overwhelm the County, just for something small. There was more discussion of our future economic development. Planner Adam Richins stated that he would like to get the Millard County Economic Development Director Scott Barney to come speak to the Commission about how this can benefit to the County.

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

8. ADJOURNMENT

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative. The meeting was adjourned at 8:20 pm.

Dated this ___ day of _____ 2017
David Sturlin, Chairman
Millard County Planning Commission