

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 4th, 2020**

The Millard County Planning Commission met on Wednesday March 4th, 2020 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
John Nye.....Planning Commissioner
Matthew KeslerPlanning Commissioner

EXCUSED: Demar IversonPlanning Commissioner
David Sturlin Planning Commission Chairman
Greg GreathousePlanning Commissioner

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Denton Peterson.....Land Use Authority Attorney
Jim Lovell.....Applicant
Deb Lovell.....Applicant
Brent TolbertApplicant
Shanna TolbertApplicant
Bob Rogers Millard County Resident
Dallas Buckner..... Go Civil Eng.
Corah Kent.....Applicant
Connor Kent.....Applicant

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.

Planning Commissioner Vice Chairman Joyce Barney called the meeting to order at 6:32 pm. She welcomed all present. She welcomed new Planning Commissioner John Nye and Denton Peterson the new Land Use Attorney for Millard County.

2. PUBLIC INPUT

No public input at this time.

3. REVIEW and POSSIBLE APPROVAL – Application # Z-2020-004 for a Non Plat Subdivision dividing a 50 acre parcel into two (2) parcels of approximately 46.1 acres and 3.8 acres. Brent and Shanna Tolbert, Owner/Applicant

Applicants Brent and Shanna Tolbert approached the Commission and gave a description of their proposal.

There was discussion where the Tolbert's will be getting their water. Brent Tolbert stated they have 1-acre foot of water rights and will be drilling the well this month or in April.

There was discussion of the utilities that will be installed.

There was discussion that this project will not interfere with the General plan.

Commissioner Tom Nielson made a MOTION to approve application Z-2020-004 for a Non-Plat Subdivision including the recommendations listed in the staff report. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL- Application # Z-2020-005 for a Non-Plat Subdivision creating a 24-acre parcel from remnants of a previously divided 80-acre parcel. James & Debra Lovell, Owners/Applicants

Applicants Jim and Debra Lovell approached the Commission and gave a description of their proposal.

There was discussion of the meter and water that are already exist on the parcel.

Commissioner John Nye confirmed that this is to create a legal lot of record from remnants of an illegally divided parcel to allow the construction of a dwelling.

Commissioner Matthew Kesler made a MOTION to approve application Z-2020-005 for a Non-Plat Subdivision. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2020-003 for a Plat Subdivision dividing a 28.63-acre parcel into eight (8) parcels from approximately 2.87 acres to 4.90 acres in size. Susan Henke, Owner / Dallas Buckner, Go Civil Eng., Applicant

Dallas Buckner approached the Commission and discussed the proposed application.

Commissioner John Nye asked if there was any access other than the main road. Dallas Buckner stated lots 1-7 would only have access from the new road.

There was discussion of the proposed utilities including power and gas lines.

There was discussion of having adequate water. Dallas Buckner stated they will get the letter from Deseret Oasis Water Company before the BOCC meeting.

There was discussion of the road specs that will be required for the applicant/land owner to install. Applicant agreed to bring all county roads to spec.

The water and power will go to the individual lots. The gas may be run later if the purchasers want it. The Road Department will need a bond every time the road is cut for utilities.

There was discussion of the existing water well on the current parcel. Mr. Buckner indicated the existing home was being served by a water meter shown on the plat.

There was discussion of an existing gravel road that was already discussed with UDOT.

Planner Adam Richins stated the preliminary plat and content is correct and this is very well put together. There needs to be clarification on the water, but all other plat requirements are fulfilled.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation to the BOCC for application # Z-2020-003 with the conditions of having the letter from the Deseret Oasis Water System and county road requirements set for the subdivision. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

There was additional discussion of the irrigation ditch that is open across the subject property. The easements are already in place and the irrigation company would still have access to maintain and use the ditch. This would be reflected in the current deed.

6. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2019-039 requesting to change the zoning of property located approximately 1 Mile east of Flowell from Agriculture 20 (Ag-10) to Agricultural Industrial (AI) Kent Cattle Company, LLC, Applicant

Applicants Cora and Conner Kent approached the Commission. They will hear back from the BLM by the end of April.

Commissioner Joyce Barney stated that the Commission had letters about this zone change that were not in the applicants' favor. Cora Kent stated she has addressed all the concerns that was in those letters.

Applicants stated that they have been working on this since October and they have not been able to move forward.

There was a discussion of the letters coming from people that do not even live in the surrounding areas of this property.

There was discussion of the BLM needing a bond for insurance.

There are 20 other applicants in the nation which are also being considered for the holding facility.

The Kents asserted that all the impact issues have been addressed.

There was discussion if this zone was changed to AI all uses for this zone will be possible. There was discussion of doing a contingent application. Applicants stated that they live to close to town and would regulate some of the possibilities.

There was discussion of S.B.106 that is going to house that could affect these kinds of applications.

Applicants stated they did not understand the request of the Planning Commission of getting the contract after which the Commission could hold a special meeting to address this application. The zone change would help with the applicants BLM application. There was discussion of the applicants not having enough time to complete the zone change and then the CUP applications. This could create a problem with the applicants as it would have to be posted for an additional 2 weeks and further affect the required performance deadlines.

There was discussion that the Commission cannot stop another industry from coming in once the zone change is approved.

Applicant stated that if he does not fulfill this contract once rewarded, he will be 'black-balled' for 7 years by the BLM. This would affect everything in his future.

There was discussion of the amended application and the reduced numbers of acres the applicants are requesting to rezone.

The applicants are requesting a favorable or non-favorable recommendation today. There was discussion of sending this to the BOCC today and let them decide to help with the timing involved in the process or whether to table this application until April.

There was discussion about confirming whether the 120 days being imposed was a condition of accepting the BLM contract. Applicant again asked for a favorable or unfavorable recommendation so they can move forward.

There was discussion of having more of a guarantee on the water rights.

Commissioner John Nye asked if it meets the qualifications to be rezoned. Planner Adam Richins stated the findings that need to be made before it takes place. The discussion is supposed to be made on the merits of the proposal and how it would impact the surrounding properties. The urgency is the complication of this application.

Planner Adam Richins read the staff recommendation:

- A. Approve the zone change from Agriculture 20 to Agricultural Industrial only if it can be determined that unmitigated industrial-type agricultural operations permitted under Table of Uses will not significantly impact surrounding properties.

Commissioner Matthew Kesler made a MOTION to send a favorable recommendation to the BOCC on amended application Z-2019-039 based on the staff findings and the 120-day time limit. Commissioner Tom Nielson SECONDS the motion. Commissioner Joyce Barney opposed as she thinks we need to wait 30 days. She is not against the project just against changing the zone without having the contract in place. Motion passed.

7. OTHER BUSINESS

Commissioner Dean Draper addressed the purpose of the Planning Commission.

There was discussion of conferences that are available for the Planning Commission. Planner Adam Richins will be getting some resources to the Commission as well.

8. APPROVAL OF MINUTES – January 8, 2020 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held January 8, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Tom Nielson made a MOTION to approve the minutes for January 8, 2020 as corrected. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

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

10. ADJOURNMENT

Commissioner Tom Nielson made a MOTION to adjourn. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ____ day of _____ 2020
Joyce Barney, Vice Chairman
Millard County Planning Commission