

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 4, 2021**

The Millard County Planning Commission met on Wednesday August 4, 2021 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
Peter Greathouse Planning Commissioner
Bob Rogers Planning Commissioner

EXCUSED: Denton Peterson Deputy County Attorney
Erin Sorenson Planning Commissioner
John Nye Planning Commissioner
Demar Iverson Planning Commissioner

ALSO PRESENT:

Adam Richins Millard County Planner
Angi Meinhardt Secretary
Mallori Wood Secretary
Dean Draper Millard County Commissioner
Monique Draper Millard County Resident
Pamela Morgan Millard County Resident
Kris Morgan Millard County Resident
John Thompson Millard County Resident
Michael Winget Fillmore City
Kathryn Stringam Millard County Resident
Lani Adams Millard County Resident
Thayne Adams Millard County Resident
Jed Christensen Applicant
Ron Petersen Millard County Resident
Susan Petersen Millard County Resident
Molly Stevens Signature Real Estate
Kelli Anderson Coconut Sunshine, Campground
Elise Harris Fillmore City Attorney
Rob Dalton Millard County Resident
Connor Kent Millard County Resident
Corah Kent Millard County Resident
Bobbie Killpack Millard County Resident
Roger Killpack Millard County Resident
Phil Morrison Millard County Resident
Kevin Gardner Applicant
Steve Styler Styler Daniels PC

Kyle Swallow.....Applicant
Dennis Alldredge Fillmore City Counsel
Terri Messersmith 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 – Chairman David Sturlin

Planning Commissioner Chairman David Sturlin called the meeting to order at 6:38 pm. He welcomed all present.

2. PUBLIC INPUT

3. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2021-031 requesting to change the zoning of 120.0 acres land located near the east boundary of Filmore City from Agriculture 20 (Ag-20) to Range and Forest (RF). Kyle Swallow, Applicant

Commissioner Joyce Barney made a MOTION to open public hearing on application Z-2021-031 Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative.

Attorney Steven Styler approached the Commission on behalf of Kyle Swallow. He talked about prior concerns that were brought up at the last meeting.

He gave some reasoning as to why this is a Zoning Ordinance Map Amendment Application.

Attorney Steven Styler stated that they have changed the size of the amendment from the prior application.

Attorney Steven Styler stated a couple of the concerns, one being the traffic this project would accumulate. They have looked in to different access pathways and making new roads to help with the traffic. Another being the dust.

Attorney Steven Styler stated the other concerns that were expressed at the last meeting are unable to be addressed at this time. These concerns will be address during the CUP application.

Dennis Alldredge with the Fillmore City Council approached the Commission and stated that he understands the needs for regulations. He is curious about the new proposed road. Fillmore City is not interested in putting a new road across the property. Another concern is that this will not be just for personal use and other

entities will be entering the property. The adjacent properties will be highly affected by this project. He gave a letter from Fillmore City of the concerns and opinions of this project.

Applicant Kyle Swallow gave more description of the proposed road. He stated that the adjacent property owners have given him permission to access these roads.

Planner Adam Richins stated that he has received two documents today about this proposed application. These will be part of the record.

Terri Messersmith approached the Commission. He stated his many concerns. He is a land owner adjacent to this property. He has not been contacted by the applicant. He's done a lot of testing on the subdivision property located next to the proposed project and believes the dust will be a problem. He is concerned about the heavy traffic flow. He then talked about the public health and welfare of the subdivision homeowners next to this proposed project.

Lani Adams approached the Commission. She read a letter from her husband Ian Adams. He is opposed to this Zone Change. The letter stated that none of the previous concerns have been addressed.

Kathryn Stringam approached the Commission. She stated she is still opposed to this application. She is concerned about the location of the project as well as the proposed access road. She's concerned of the intent of this project and does not believe it is for the applicant's personal use. She stated silicosis is also a concern of hers. She then read the description of silicosis. She stated she has not had any contact with the applicant.

Connor Kent Approached the Commission. He is an adjacent land owner and stated that he is for the Zone change. He stated that he would rather live next to a gravel pit than the open flesh pit that is currently there. He stated that there are multiple ways to manage the dust.

Attorney Elise Harris with Fillmore City approached the Commission. She wanted to clarify a few things. This will be a two-part application. First it will need to go through the zone change, later will be the conditional use phase. If approved the use is open to many things. She stated that this is the time to address the concerns. She stated the applicant has had discussions with Fillmore City. They are trying to work out a solution for this application. They have talked about annexing this property into Fillmore City. She then talked about spot zoning. The applicant described the proposed road. 500 North will eventually be crossed but outside of city limits. She stressed the importance of thoughtful consideration with this zone change.

Commissioner Peter Greathouse made a MOTION to close the public hearing. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2021-031 requesting to change the zoning of 120.0 acres of land located near the east boundary of Fillmore City from Agriculture 20 (Ag-20) to Range and Forest (RF). Kyle Swallow, Applicant

Attorney Steven Styler approached the Commission and addressed the concerns. He stated they have not received any contracts from outside entities to purchase the gravel at this time. He then addressed the public health and welfare. He stated the county does have the ability to add conditions to a CUP that will mitigate many of these concerns. He stated that the applicant and himself have talked to the Fillmore City Mayor. He stated they are not on a time limit and are happy to come back and address the Fillmore City concerns.

Commissioner Joyce Barney stated that at the last meeting she tried to deny this application. She does not see that there has been any progress on finding any resolution with Fillmore City or any of the other concerns. Attorney Steven Styler stated he did address the two major concerns and has changed the application to address those. He stated that the Planning Commission should not need a blessing from the city.

David Sturlin recommended to postpone the recommendation on this application, to give the applicant more time to address the concerns. Commissioner Joyce Barney stated the applicants need to talk to Fillmore City and address the concerns that they have. She stated once this zone change is approved it opens the door for other uses on this property. She feels that we owe it to the citizens to listen to the public. There needs to be a compromise with Fillmore City about the concerns.

Commissioner Peter Greathouse stated this is also the time for the Commission and property owners to state their input. Once the zone change is approved, we are tied to the change and anything that is allowed on RF will be.

Planner Adam Richins stated that in order to give a favorable recommendation this body is looking for a recommendation from Fillmore City as well, but it is not necessary that they satisfy this body to move forward with the next step. They can continue on with this process without the approval of the Planning Commission.

Commissioner Peter Greathouse made a MOTION to make an unfavorable recommendation. Commissioner Joyce Barney SECONDED the motion. Commissioner Bob Rogers opposed. Motion fails.

Commissioner Peter Greathouse made a MOTION to move this item to the next available meeting. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative.

5. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2021-43 requesting to change the zoning of 21.3 acres land located approximately ¼ mile

north of Fillmore City from Agriculture 20 (Ag-20) to Highway Commercial (HC).
Jed & Sarah Christensen, Applicants

Commissioner Peter Greathouse made a MOTION to change this agenda item to item number 3. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Commissioner Joyce Barney made a MOTION to open public hearing. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

Jed Christensen approached the Commission and gave a description of his application.

Commissioner Peter Greathouse made a MOTION to close the public hearing on application Z-2021-031 Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2021-031 requesting to change the zoning of 21.3 acres land located approximately ¼ mile north of Fillmore City from Agriculture 20 (Ag-20) to Highway Commercial (HC). Jed & Sarah Christensen, Applicants

Commissioner Peter Greathouse asked for more description of the location of the proposed location. Applicant Jed Christensen gave description of the location.

There was discussion on the road improvements that will need to be made.

Commissioner Peter Greathouse asked for mitigation on the wash that is on the property. Applicant Jed Christensen stated he would stay on the south east side of the wash.

There was discussion of how close this location is to the Fillmore City line.

Applicant has not had any contact with Fillmore City about annexation. There was verification by the Fillmore City Attorney that it is not in the proposed area for annexation.

There was discussion of the applicant putting chain link fence around the property.

Planner Adam Richins read part of the ordinance to the attendees so they are aware of the process of this amendment application.

Commissioner Peter Greathouse made a MOTION to give a favorable recommendation to the BOCC for application Z-2021-031 based on the recommendations

- A. Approve the zone change from Agriculture 20 to Highway Commercial be approved if it can be determined the allowed uses within the Highway Commercial zoning district are appropriate for the property location and will not unduly impact surrounding properties or obstruct eventual municipal annexation.
- 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 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 and revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-12-2012)

Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in affirmative.

- 7. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application # Z-2021-032 requesting to change the zoning of 71.83 acres land located at approximately 1200 W 1000 S Delta from Agriculture (Ag) to Agriculture Industrial (AI). Kevin Gardner, Applicant

Commissioner Bob Rogers made a MOTION to open public hearing.
Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.
Commissioner Peter Greathouse made a MOTION to close this public hearing.
Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

8. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2021-032 requesting to change the zoning of 71.83 acres land located at approximately 1200 W 1000 S Delta from Agriculture (Ag) to Agriculture Industrial (AI). Kevin Gardner, Applicant

Applicant Kevin Gardner approached the Commission at 9:09 pm. Applicant gave description of his proposed application.

Planner Adam Richins stated that Dairy's fall under CAFO that are only allowed under AI. There was discussion if this zone change goes through if he will need to apply for a C2 permit. There was discussion that the applicant is grandfathered in and the operation was already in use. This zone change will allow him to continue on.

Commissioner Bob Rogers made a MOTION to send a favorable recommendation to the BOCC on application Z-2021-032 with the following recommendations.

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

Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmation.

9. REVIEW and POSSIBLE RECOMMENDATION—Application #Z-2021-044 for Plat C, Lots 1,5,27,28 Sunset View Estates Subdivision—Joyce Barney for SDSC Enterprises, LLC

Commissioner Peter Greathouse made a MOTION to move this agenda item to next month. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

10. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2021-042 to permit a Campground at approximately 186 Nottingham Drive, Sherwood Shores (Delta). Kelli Anderson, Applicant

Commissioner Peter Greathouse made a MOTION to open public hearing. Commissioner Bob Rogers SECONDED. Voting was unanimous in the affirmative.

Chris Morgan approached the Commission. He is a homeowner in Sherwood Shores. He read a letter to the Commission. The letter is included. He went over some of the proposed recommendations and conditions listed in the staff report.

Kelli Anderson approached the Commission. She gave a description of her proposed application. She stated her intent is not to rent out the trailer space, rather let her family use it when they come to visit. If she decided to rent the residence out later-on they can have multiple families come stay. Her property has a home on it with a 50 Amp meter on each side.

John Thompson approached the Commission. He is a property owner in Sherwood Shores. He gave his concerns to the Commission. He talked about the electrical structure and expressed his concern if one application goes through, there will be others just like it to follow.

Roger Killpack approached the Commission. He is a homeowner out at Sherwood Shores. He is also the president of the Sherwood Shores POA. He is grateful that the applicant bought her lot as she has made improvements. He does have concerns about this proposal though. He stated this was originally a recreational

area, turned residential. One concern was that the applicant would rent a RV site, rather than the structure on the property. They amended their bylaws to oppose any rental non-permanent structures.

Rob Dalton Approached the Commission. He is a Sherwood Shores property owner. He agrees that the applicant has done a great job on cleaning up the lot. He is concerned about future progression of RV parks being established in Sherwood Shores, the roads not being wide enough and the RV's having to encroach on other property to "fit". He is opposed to this application.

Ron Petersen Approached the Commission. He is a homeowner in Sherwood Shores. He thinks this should be strictly for family use. He is opposed to this kind of use as well.

Rondo Grimshaw approached the Commission. He is a Sherwood Shores property owner. He gave some background of Sherwood Shores. He thinks it is getting too busy and thinks these RV sites will make it worse. He is against it as he does not want to see it get overcrowded.

Planner Adam Richins stated that the County prohibits the use of RV vehicles outside of RV parks. The travel trailers that are out at Sherwood Shores are not lawfully there. He then read a portion of the County Ordinance. He gave definition of Campground in the county ordinance: Campground. An area of land upon which 1 or more sites are established and maintained for occupancy by a tent or recreational vehicle. He stated there is not a legal way to deny an application if it follows the ordinance. Conditions can be added to a CUP but that is about all the Commission can do.

Phil Morrision approached the Commission. He is the Vice President of the Sherwood Shores POA and also a Sherwood Shores homeowner. He talked about the future development of Sherwood Shores. They do not want to take rights away from land owners but they would like to set more limits.

Commissioner Peter Greathouse made a MOTION to close public hearing. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

11. REVIEW and POSSIBLE APPROVAL – C-1 Conditional Use Permit Application #Z-2021-042 to permit a Campground at approximately 186 Nottingham Drive, Sherwood Shores (Delta). Kelli Anderson, Applicant

Commissioner Peter Greathouse asked if Timeshares were allowed at Sherwood Shores. Roger Killpack stated to his knowledge they do not exist.

Chairman David Sturlin asked about the authority of the HOA to prohibit certain behaviors and how they enforce the HOA bylaws. Roger Killpack stated it would take litigation to enforce their bylaws.

Commissioner Peter Greathouse asked how many full-time residents are currently at Sherwood Shores. Roger Killpack believes there are around 50-60 permanent with a “whole bunch” of summer residents.

Commissioner Peter Greathouse asked how wide the roads are. Roger Killpack stated approximately 2 vehicle widths. There was discussion on limiting the size of trailers.

Commissioner David Sturlin stated because of the time it may be hard to come up with reasonable conditions tonight.

Commissioner Dean Draper approached the board stated that the roads are a specific width between 22 and 26 feet and cannot be widened because the property owner property line goes right up to the road.

Commissioner Joyce Barney was concerned about Proposed Reasonable Condition B. Dumping of RV waste.

Commissioner Peter Greathouse asked if we can require insurance if it is zoned as a Campground, also will they be required to collect transient room tax if rented on a nightly/weekly basis. Adam Richins stated we can look into these things.

Commissioner Peter Greathouse asked the applicant how much she would be renting this out as to using it as her permanent resident. Applicant is unsure at this time but maybe a couple weekends a month. But right now, she is staying full time.

Commissioner Joyce Barney made a MOTION to postpone the application to the next available meeting while the Commission works on Conditions. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

12. OTHER BUSINESS

13. APPROVAL OF MINUTES –July 14, 2021 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held July 14, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for July 14, 2021 as corrected. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative.

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

15. ADJOURNMENT

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2021
David Sturlin, Chairman
Millard County Planning Commission