

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
September 1, 2021**

The Millard County Planning Commission met on Wednesday September 1, 2021 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
DeMar Iverson Planning Commissioner
Peter Greathouse Planning Commissioner
Erin Sorenson Planning Commissioner
John Nye..... Planning Commissioner

EXCUSED: Denton Peterson Deputy County Attorney
Joyce Barney Planning Commission Vice President
Bob Rogers..... Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Dean Draper Millard County Commissioner
Sherri Callister Sherwood Shores resident
Kris Morgan Sherwood Shores resident
Pamela Morgan Sherwood Shores resident
Mark Dennis..... MCER Holdings
Zachary Hansen Applicant
Megan Hansen Applicant
Ann Ashby Sherwood Shores resident
William Ashby Sherwood Shores resident
Margo Dye Sherwood Shores resident
Gary Dye..... Sherwood Shores resident
Philip Morrison Sherwood Shores resident
Roger Killpack..... Sherwood Shores HOA President
Sam Jacobson Chronicle Progress
John Webster..... Sherwood Shores resident
Shellie Dutson..... Chronicle Progress

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 6:32 pm. He welcomed all present.

2. PUBLIC INPUT

3. REVIEW and POSSIBLE RECOMMENDATION—Application # Z-2020-046 for a Plat Subdivision located at approximately 3500 S Lone Tree Road, Delta. Zachary & Megan Hansen, Applicants

Zachary Hansen & Megan Hansen approached the commission. They explained their application as pulling 8 acres from John Corbitt for only one dwelling. David stated this property had already been divided and this is why it's already a platted subdivision rather than a non-platted. Peter asked what the plans were for the 8 acres. Zachary stated they wanted to build a house and possibly a small shop one day. They understand the surroundings of the area. Because this is a platted subdivision, it will be recommended and will have to be presented in front of the board of county commission. Peter asked about fire hydrants needing to be required. Adam stated they are not needed because this is a single dwelling and not multiple dwellings.

Commissioner Peter Greathouse made a MOTION to make a favorable recommendation. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Recommendation

1. Approve the Plat Subdivision as proposed.
2. Basis for Recommendation or Approval of the Subdivision; (Title 11-Subdivision Regulations)
3. 11-1-4 Definitions

Subdivision:

- A. Any land that is divided, resubdivided or proposed to be divided into two (2) or more lots, parcels, sites, units. Plots, or other division of land for the purpose, whether immediate or future, for offer, sale, lease or development, either on the installment plan or upon any and all other plans, terms and conditions.
- B. "Subdivision" includes the division or development of land whether by deed, metes and bounds description, devise and testacy, lease, map, plat or another recorded instrument.
- C. "Subdivision" does not include;

1. A bona fide division or partition of agricultural land for agricultural purposes;
2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if;
 - a. No new lot is created; and
 - b. The adjustment does not result in a violation of applicable zoning ordinances;
3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or
4. A bona fide division or partition of land in a county other than a first-class county for the purpose of siting, on one of more of the resulting separate parcels,
 - a. An unmanned facility appurtenant to a pipeline owned or operated by a gas corporation, interstate pipeline company, or interstate pipeline company; or
 - b. An unmanned telecommunication, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransmission, or amplification facility.

D. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a “subdivision”, under subsection A of this definition as to the unsubdivided parcel of property or subject the unsubdivided parcel to the county’s subdivision ordinance.

4. 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 asked, if rented commercially would there be transient room tax collected. Adam stated that if it is rented commercially, taxes would be collected.

Commissioner Erin Sorenson made a MOTION to open public hearing on application #Z-2021-042. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

John Webster approached the commission. He wanted to clarify the proposal. He asked if the property would need to be zoned commercial to be able to use it as commercial. Adam Richins explained that Sherwood Shores is a zoning district of Millard County and if rules need to be made or changed, there is an application and then it will go before the Planning & Zoning board with a public hearing and then a recommendation can be made. Adam let him know that Sherwood Shores is its own entity inside Millard County.

Sherri Bennett Callister approached the commission speaking on behalf of her mother Anna Bennett who is medically compromised and cannot be here. Sherri lives across the street from Kelli's property and is opposed to the application. She mentioned that inside Millard County there is not one subdivision that has any kind of campground or RV site.

John Webster approached the commission a second time.

Phill Morrison, Vice President of Sherwood Shores HOA approached the commission. He wanted to clarify that the HOA has decided that they do not want a commercial RV park.

Planner Adam Richins explained vesting.

Roger Killpack, President of Sherwood Shores HOA approached the commission. He explained the conditions that the HOA has come up with thus far.

Commissioner Erin Sorensen made a MOTION to close the hearing
Commissioner DeMar Iverson SECONDED the motion voting was unanimous in the affirmative.

5. 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

There was discussion of the Sherwood Shores setback, RV waste dumping and number of RVs allowed.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2021-042 with the following conditions that are listed in the staff report.

Commissioner John Nye SECONDED the motion.

Commissioner Peter Greathouse made a MOTION to amend the previous motion with the following changes to the reasonable conditions;

- A. Not more than two (2) commercial RV space permitted per lot.
- B. Dumping of RV waste in a separately permitted septic system.
- C. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- D. Access to the property shall limited to a single driveway per lot for ingress and egress.
- E. No offsite parking shall be permitted.
- F. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- G. Signage shall comply with Millard County sign regulations.
- H. Site area lighting shall be downward directed.
- I. Owner shall be responsible for all site security.
- J. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval. Additionally, this

permit may be reviewed at any time in the event of complaint or request from and surrounding property owner.

Commissioner Erin Sorenson **SECONDED** the motion voting was unanimous in the affirmative.

6. PUBLIC HEARING—Text Amendment Application #Z-2021-045 amending the Table of Uses and Use Definitions in Title 10, Chapter 25 of the Millard County Zoning Ordinance to create a new use definition for private, non-commercial campgrounds and to allow only private, non-commercial campgrounds as a C-1 Conditional Use within the Sherwood Shores (SS) Zoning District. Roger Killpack, Applicant

Commissioner Peter Greathouse made a **MOTION** to open public hearing on application #Z-2021-045. Commissioner John Nye **SECONDED** the motion. Voting was unanimous in the affirmative.

Kris Morgan, Sherwood Shores resident, approached the commission. He stated his concerns. He stated he is ok with the application with conditions attached.

Commissioner Peter Greathouse asked if this change would require those with trailers that wanted to keep them at Sherwood Shores would have to come in and apply for a conditional use permit. Planner Adam Richins stated that it would. There is no grandfathering in this situation.

Planner Adam Richins suggests that without having the conditions for private use discussed and looked at, this at least gives us an option for a private campground only and can look at conditions as we move forward. If we find, and get a little bit more familiar with those and to find that they are consistent we would have those. And be able to do an additional text amendment. Rather than issue a bunch of conditional use permits. Wait until we have a little history behind us and determine what the conditions need to be.

Roger Killpack approached the commission, he agreed with what Adam recommended. He would rather not back-track.

Planner Adam Richins stated possibly change from C-1 to campground to permitted use.

Commissioner Erin Sorenson made a **MOTION** to close the public hearing. Commissioner DeMar Iverson **SECONDED** the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application #Z-2021-045 amending the Table of Uses and Use Definitions in Title 10, Chapter 25 of the Millard County Zoning Ordinance to create a new use definition for private, non-commercial campgrounds and to allow only private, non-commercial

campgrounds as a C-1 Conditional Use within the Sherwood Shores (SS) Zoning District. Roger Killpack, Applicant

Commissioner David Sturlin gave the existing language for a campground.

Commissioner Peter Greathouse asked about a limit of RVs on each lot, per so many sq ft since each lot varies in size.

Commissioner Erin Sorenson made a MOTION to send a favorable recommendation on application # Z-2021-045 with the listed conditions.

Commissioner Peter Greathouse made a MOTION to include an amendment to the Millard County Land Use text for Sherwood Shores be limited to 2 sites per lot as a recommendation to the BOCC. There was discussion to Continue with the current motion that was given. Motions failed.

Commissioner Erin Sorenson made MOTION to send a favorable recommendation to the BOCC on application #Z-2021-045 as it is in conformance to the General Plan and including the conditions in the Staff Report.

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, 12-04-2012)

Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

8. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2021-044 for a Wireless Telecommunications Site/Facility on Cedar Mountain approximately 2.5 Miles north of Fillmore. MCER Holdings LLC, Applicant

Commissioner John Nye made a MOTION to open public hearing. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Owner of MCER Holdings approached the commission and explained the application.

Commissioner DeMar Iverson made a MOTION to close the public hearing. Commissioner John Nye SECONDED the motion voting was unanimous in the affirmative.

9. REVIEW and POSSIBLE APPROVAL—C-1 Conditional Use Permit Application #Z-2021-044 for a Wireless Telecommunications Site/Facility on Cedar Mountain approximately 2.5 Miles north of Fillmore. MCER Holdings LLC, Applicant

Commissioner Peter Greathouse asked about other towers on the site, and if yes, why not use them. MCER explained that there are existing towers, they're owned by Sidwell. The dollar amount to lease the property would be astronomical. It makes more financial sense to buy the property rather go through the existing property owners with towers. Would be on the north side as the tower would need to see both hospitals. Applicant explained there would be no lights on the tower. Commissioner Greathouse asked what frequency of broadband would be used, applicant stated, there would be no interference with existing broadband, they'll have their own.

Commissioner David Sturlin asked about other systems being interrupted, would this one still be viable? Applicant stated this one would be the backup in case the other was disrupted. There is no desire to use a generator or solar, they have batteries that have about 3 days of use.

Commissioner David Sturlin read the following recommendations;

1. Approve the Conditional Use Permit for a Wireless Telecommunications Site/Facility.
2. Basis for Issuance of a Conditional Use Permit:
 - a) The proposed use in in conditional use within the zoning district, as identified in section 10-25-1 of this title, 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.
 - c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinance, and all applicable federal, state, or local requirements and regulations.
 - d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
 - e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use

ordinances, and all applicable federal, state, or local requirements and regulations.

- f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.
- g) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the county as a whole. (Ord. 12-12-04, 12-4-2012)

3. Approve the Permit with the following reasonable conditions:

- a) The proposed site be fully enclosed with chain link fence not less than 6' in height.
- b) Site/Facility be responsible for its own site security.
- c) Building permits be obtained for the construction of the tower and accessory equipment.
- d) Dust control practices and procedures be implemented to control the generation and spreading of dust arising from site access.
- e) The tower be constructed with stealth design as defined in Millard County Code 10-18-18.
- f) Any associated mechanical or electrical equipment be completely screened from view, from public rights of way, onsite parking areas, and adjacent properties, with a decorative screening fence, and/or landscaping.
- g) Signal interference testing be conducted and signal be adjusted to minimize impact with adjacent cell towers.

Applicant asked about F decorative screening. Wanted clarification. MCER is not opposed.

Commissioner John Nye made a MOTION to approve the permit with conditions A-G if suits we can eliminate 3E. Corrected recommendations are as follows:

1. Approve the Conditional Use Permit for a Wireless Telecommunications Site/Facility.
2. Basis for Issuance of a Conditional Use Permit:
 - a) The proposed use in in conditional use within the zoning district, as identified in section 10-25-1 of this title, 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.

- c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinance, and all applicable federal, state, or local requirements and regulations.
- d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations.
- f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required.
- g) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the county as a whole. (Ord. 12-12-04, 12-4-2012)

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- c) Building permits be obtained for the construction of the tower and accessory equipment.
- d) Dust control practices and procedures be implemented to control the generation and spreading of dust arising from site access.
- e) Any associated mechanical or electrical equipment be completely screened from view, from public rights of way, with a decorative screening fence, and/or landscaping.
- f) Signal interference testing be conducted and signal be adjusted to minimize impact with adjacent cell towers.

Commissioner DeMar Iverson **SECONDED** the motion. Voting was unanimous in the affirmative.

10. OTHER BUSINESS:

Planner Adam Richins would like to schedule a second meeting for Power Plant Renewal amendment.

11. APPROVAL OF MINUTES – August 4, 2021 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held August 4, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner John Nye made a MOTION to approve the minutes for August 4, 2021 as corrected. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

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

13. ADJOURNMENT

Commissioner Erin Sorenson made a MOTION to adjourn. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

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