

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 6, 2021**

The Millard County Planning Commission met on Wednesday October 6, 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
Joyce Barney Planning Commission Vice President
Denton Peterson Deputy County Attorney

EXCUSED: Bob Rogers Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Kevin Eardley..... PEG
Caleb Swallow Applicant
Dale Dyer..... Valley Ag
Matt Ward Chronicle Progress
Mr. & Mrs. Eldon Christensen June Brush LLC
Tony Fuller..... June Brush LLC
Jed Christensen..... 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 – Chairman David Sturlin

Planning Commissioner Chairman David Sturlin called the meeting to order at 6:35 pm. He welcomed all present.

2. PUBLIC INPUT

There was no Public Input.

3. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-047 for a Non Plat Subdivision located at approximately 700 S 700 E, Fillmore. Eldon Christensen, Applicant.

Tony Fuller from Flowell approached the Commission. He gave some history of the land. He stated that the application was to correct an illegal subdivision. Planner Adam Richins stated the zoning for this area is residential 1 acre size. Since the applicant is wanting to join everything together, we aren't requiring the city improvements. The land is not going to be developed, they're wanting to give it legal status so that one day it can be annexed into Fillmore City.

Commissioner Peter Greathouse asked if the applicant owned the road or if there was an easement. Tony Fuller stated the road is not an easement. His brother owns the road but has promised to not cut off access because there is a state wildlife area. Commissioner Joyce Barney asked if there was a recorded deeded easement. She stated without that easement, there is nothing stopping the property owner from cutting off access to that road. Commissioner Barney stated that there will need to be a recorded easement. Commissioner John Nye asked if there was another road for access, Tony Fuller stated there was, Commissioner John Nye asked if they would still need the easement.

Commissioner Peter Greathouse asked how wide the road was Tony Fuller stated at least 33 feet, but he can't remember exactly. Commissioner Peter Greathouse asked what the county requirements were for roads.

There was discussion about whether or not this property is in the Fillmore Annexation plan.

Planner Adam Richins stated that this is vacant land with separate deeded owners. Some of the owners have taken their pieces and consolidated them all, the applicant is asking that this land be considered a legal lot.

There was discussion about the utility access to the property.

Commissioner John Nye asked if the discussion was necessary since the applicant is taking 6 lots and combining them to make one large lot. Planner Adam Richins stated that if the applicant was wanting to make sixty, 1 acre lots then the county would require all the utilities be accessible. Since this is not, none of that is necessary.

Commissioner Joyce Barney asked why the application is asking for a copy of the water rights. Planner Adam Richins stated that it is presumed there will be some kind of water system involved.

Commissioner Peter Greathouse asked about adjoining property-owners be able to access their property. Applicant Tony Fuller stated there are roads that come off of Sand Rock Ridge Road.

Commissioner John Nye made a MOTION to approve application #Z-2021-047 as it conforms with the General Plan. Commissioner Erin Sorenson SECONDED the motion. Commissioner Peter Greathouse opposed Commissioner Joyce Barney opposed. MOTION failed.

Commissioner David Sturlin asked what the procedure was for ties. Planner Adam Richins stated the Commission could call Commissioner Bob Rogers. Attorney Denton Peterson, better clarified the application.

Commissioner John Nye made a MOTION to approve application #Z-2021-047 Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL—Application # Z-2021-049 for a Non Plat Subdivision located at approximately 1585 N 4300 W, Kelby Caleb Swallow, Applicant

Applicant Kelby Caleb Swallow approached the Commission. He stated that he wanted to purchase 5 acres from his father to build a home.

Planner Adam Richins read page 3 of the staff report.

Commissioner Joyce Barney asked if there was a shared well agreement. Applicant Kelby stated he hadn't been asked that before. Commissioner Joyce Barney then asked about how many water rights are in the existing well.

Commissioner DeMar Iverson made a MOTION to approve application #Z-2021-049. Commissioner John Nye SECONDED the motion voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision as proposed.
2. Basis for Recommendation or Approval of the Subdivision: (Title 11-Subdivision Regulations)

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 other 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. 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 or 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 intrastate pipeline company; or
 - b. An unmanned telecommunications, microwave, fiber optic, electrical, or other utility service regeneration, transformation, retransformation, 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.

11-3-1: MINI SUBDIVISIONS

- A. Conditions; Any property owner or an owner's agent (hereinafter a "property owner") may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer parcels, without the necessity of recording a final plat if:
1. The planning commission has reviewed the document and has given the county commissioners its recommendation on the subdivision application; and
 2. The document contains a certification of approval signed by the chairman of the county commissioners or his designee that:

- a. The planning commission has given its recommendation to the county commissioners;
 - b. The subdivision is not traversed by the mapped lines of proposed street as shown in the master plan and does not require the dedication of any land for streets or other public purposes;
 - c. Each parcel in the subdivision meets the minimum areas, width, access, and frontage requirements of the zone in which the property is located, or has been granted variance from those requirements by the board of adjustment.
- B. Use Restrictions: The uses on parcels created under this section must be either permitted or conditional uses in the zone district in which they are located. Non Plat subdivisions which result in the creation of three (3) or fewer lots will be presumed to be for the primary purpose of supporting agricultural uses rather than for primarily residential purposes.
- C. Lot size: The sizes of the lots created in a three (3) or fewer lot, Non Plat subdivision may be smaller than the minimum lot size required in the zone in order to preserve agricultural land uses.
- D. One Time Process: Information on Deed: This special provision may be utilized only once per parcel or property. Parcels of land which are subdivided under these special circumstances must be deed restricted with a notation on the documents of conveyance that this one-time election has been exercised and that the resulting parcels may not be further subdivided without recordation of an approved subdivision plat. The deed restriction shall also obtain a statement that subsequent owners of the created parcels are not on notice that the parcels are in an agricultural zone, were created for the support of agricultural activities, and may be subject to the noises, odors and other conditions typical of agricultural activities. (Ord.01-08-27A, 8-27-2001, eff. 10-08-2001)

5. PUBLIC HEARING—C-2 Conditional Use Permit Application #Z-2021-048 to construct and operate bulk propane storage at approximately 25 W 1000 N Delta. Valley Agronomics, Applicant

Commissioner Peter Greathouse made a MOTION to open the public hearing. Commissioner DeMar Iverson SECONDED the motion.

Kevin Eardley approached the Commission and gave description of the application.

Commissioner Erin Sorenson made a MOTION to close the public hearing on application #Z-2021-048. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Application #Z-2021-048 to construct and operate bulk propane storage at approximately 25 W 1000 N Delta. Valley Agronomics, Applicant

Commissioner Joyce Barney asked who was notified about this permit. Planner Adam Richins stated that the surrounding property owners were notified.

There was discussion about Delta City being notified of this application.

There was discussion about the neighboring properties.

Planner Adam Richins stated that it is a good idea to have a public hearing but it is not a requirement. This is not a code change, this is an application we like to get input if it's relevant but it is not a requirement to send out public notice, although it is good policy.

Commissioner Peter Greathouse asked if this was inside the existing property that is currently fenced in. The applicant stated that it is inside the fenced area.

Commissioner Peter Greathouse asked if the water company had been notified. The applicant stated there is not a hazmat classification for that. Planner Adam Richins stated that is because propane generally seeps into the atmosphere. Commissioner Peter Greathouse asked about containment areas.

Commissioner DeMar Iverson asked if the applicant would be selling propane. The applicant stated that they would be filling their bobtails and delivering offsite. They will not be selling onsite.

Planner Adam Richins asked how often the tanks are inspected. The applicant stated that the Fire Marshall will inspect them every 5 years.

Commissioner DeMar Iverson asked where the propane will come from. The applicant stated they will install the tank and then contract with the delivery company. It is a new tank, manufactured in 2020 in Provo Utah. He then explained how the tank works and talked about the safety features.

Commissioner Joyce Barney asked if the Delta Fire Department had been notified. The applicant stated they have been notified. They have also notified the State Fire Marshall.

Commissioner Peter Greathouse asked what roads will be used to transport the propane to the site. Commissioner Demar Iverson asked if the propane will be transported by train. The applicant stated that the propane will be brought in by semi-trucks.

Planner Adam Richins stated the Jones Road is rated for 5 ton. The propane trucks will need to take a different route.

There was discussion about Delta City having any requirements with hazardous material going through city limits.

Commissioner Erin Sorenson asked if the applicant had seen the recommendations on page 3 of the staff report and if they were suitable.

Commissioner Peter Greathouse asked how close fertilizer would be stored and if that will create any sort of problems. The applicant stated that the fertilizer will be 322 feet away. Commissioner Peter Greathouse then asked if they handled ammonium nitrate at all. The Applicant stated they do not.

Commissioner Peter Greathouse asked if the chain link fence that surrounds the property would be locked and closed every night, the applicant stated they do. He asked about lighting. There will be a light near the tank but will be angled downward.

Commissioner DeMar Iverson made a MOTION to approve the application, with proposed reasonable conditions;

- A. Owner shall follow all local, state, and federal requirements and standards for operation of a bulk propane storage and dispensing facility.
- B. Owner shall coordinate planning and emergency response with the Local Emergency Planning Committee (LEPC)
- C. A Road Maintenance Agreement be established with Millard County and updated as necessary for truck traffic on county roads.
- D. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- E. Access to the property shall limited to a currently approved driveways for ingress and egress.
- F. No on-street parking shall be permitted on or along 1000 North.
- 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 the conditions and requirements of approval. Additionally, this permit may be reviewed at any time in the event of complaint or request from any surrounding property owner.

Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

7. PUBLIC HEARING— C-1 Conditional Use Permit Application #Z-2021-050 for Storage, ministorage located approximately ¼ mile north of Fillmore City from Agriculture 20 (Ag-20) to Highway Commercial (HC). Jed & Sarah Christensen, Applicants

Commissioner John Nye made a MOTION to open the public hearing, Commissioner DeMar Iverson SECONDED. Voting was unanimous in the affirmative.

Applicant Jed Christensen approached the COMMISSION. He gave a description of his application.

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

8. REVIEW and POSSIBLE APPROVAL—C-1 Conditional Use Permit Application #Z-2021-050 for Storage, ministorage 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 about lighting. Applicant stated that there will be a light at each bay. They will be downward facing lights with the exception of 2 lights that he would like to shine upward toward a sign he is proposing on the application.

There was discussion about onsite garbage.

Commissioner Peter Greathouse asked if there was potential to build more storage units. The applicant stated that if there is demand he would like to build more.

There was discussion about security.

Commissioner Peter Greathouse asked how tall the buildings would be. The applicant stated that right now they're 15 feet. He would like to expand to 30 feet tall in the future if there is a demand.

Commissioner Peter Greathouse asked about the owners of the property. The applicant stated he is in the process of purchasing the land and closes on the purchase of the property in the next couple weeks.

Commissioner Peter Greathouse made a MOTION to make a favorable recommendation with a garbage disposal plan. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-1 Conditional Use Permit application with reasonable conditions.
2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

- a) *The proposed use is a conditional use within the zoning district as identified in section 10-25-1 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 ordinances, 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.*

(10-8-3: Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications)

3. Proposed Reasonable conditions required for approval:

A. Site Development Standards for Primary Buildings and Structures shall be substantially as described in the submitted site plan, as follows:

Minimum lot size (Existing)	21.3 Acres
Minimum lot width (Existing)	(Existing)
Minimum front yard (East Side)	5 Feet
Minimum side yard (North/South Sides)	5 Feet
Minimum rear yard (West Side)	5 Feet
Maximum building height	30 Feet
Minimum Off Street Parking Standard (# of parking spaces)	None

- B. Access to the property shall be limited to recorded Easements and Rights of Way for ingress and egress. Minimum of 20 feet wide access shall be provided to permit for emergency response.
- C. No on-street parking shall be permitted.
- D. Fencing shall be in accordance with the submitted application.
- E. Freestanding signage shall be limited to (140) square feet and (25) feet maximum height and shall be generally consistent with the submitted application. Copy shall be limited to 'On Premise' advertising. All signage shall comply with Millard County sign regulations.
- F. 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 any surrounding property owner.

9.REVIEW and POSSIBLE RECOMMENDATION— Application # Z-2021-001 to amend the Conditional Use Permit for the Intermountain Power Project (IPP) for construction and operation of an electric generating facility. Intermountain Power Agency, Owner. Los Angeles Department of Water and Power (LADWP), Applicant.

Planner Adam Richins discussed the communication with the applicant.

10.OTHER BUSINESS

11. APPROVAL OF MINUTES – September 1, 2021 Planning Commission Meeting. The proposed minutes of the regular Commissioner meeting held September 1, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Erin Sorenson made a MOTION to approve the minutes for September 1, 2021 as corrected. with Commissioner John Nye 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 DeMar Iverson made a MOTION to adjourn. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

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

