

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
June 1, 2022**

The Millard County Planning Commission met on Wednesday June 1, 2022 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
DeMar Iverson Planning Commissioner
Erin Sorenson Planning Commissioner
Joyce Barney Planning Commission Vice Chairman
Denton Peterson Deputy County Attorney
John Nye Planning Commissioner

EXCUSED: Bob Rogers Planning Commissioner
Mallori Wood Secretary
Peter Greathouse Planning Commissioner

ALSO PRESENT:

Adam Richins Millard County Planner
Angi Meinhardt Delta Office Manager
Robert Bliss Millard County Resident
Elaine Bliss Millard County Resident
Stacey Lake Millard County Resident
Garth Lake Millard County Resident
Leslie Lake Millard County Resident
Randy Lake Millard County Resident
Jackie Ludwig Millard County Resident
McKay Christensen Millard County Resident
Ken Visser Millard County Resident
Mike Bliss Millard County Resident
Mark Schouten Millard County Resident
Dean Anderson 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 called the meeting to order at 6:30 pm. He welcomed all present.

2. PUBLIC INPUT

3. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2022-015 to change the zoning of property located approximately 3120 East Main Street, Delta from Highway Commercial (HC) and Agriculture 20 (AG20) to Light Industrial (LI)—OSH Cut, Applicants, David Johnson, Owner

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

McKay Christensen approached the commission and gave his proposal. This will be a 3-to-5-year period. About 150 jobs. They do laser cutting. It is very clean and high paying jobs. They would like to move some of the power coating facilities as well. Within the next year to year and half they will be moving forward.

McKay Christensen went over the reason for the zone change. He stated that this is not going to be agricultural business and they would like to change the zone to light industrial. Most of what they do will be done inside of buildings.

Roger Bliss approached the Commission. He stated that this affects him more than anything. He is not opposed to the jobs they are bringing but they could get a better location. His first concern was the traffic on Highway 50 next to the proposed area as there have been many accidents. Second, he has lived there for over 30 years and they have a dust problem. He stated that half of that property is already zoned Highway commercial. He is also concerned that this project will dry up the water wells. He is against this because of the location.

Stacey Lake approached the Commission. She confirmed that the description on the application says multiple wells. Mr. Christensen stated he will be using 4-acre feet of water. He stated they have had the conversation with Delta city. Stacey verified with McKay that they will have 3 lots with only one well. McKay stated there is an existing well on one of the lots on the Johnson property. McKay stated that they are exploring City Water to the property vs a private well, but the well system is cheaper.

McKay stated that he understands the dust problem, but this facility will minimize the dust. They will be putting gravel and eventually a paved parking lot. McKay stated they have spent a lot of time looking for a great location for this project. Within the process he has talked to many landowners to complete this in the city but has been

unsuccessful to find land within Delta City. He stated that they have an easement that will minimize the traffic.

Dave Johnson approached the Commission and stated that he would like to apologize to Roger about the dust. He stated with this project it will minimize the dust as it will no longer be sheep grazing fields.

Roger Bliss approached the Commission and stated that the dust problem will not be solved until later on in the project.

Planner Adam Richins went over the process of the Zone Change. He went over some of the Table of Uses within the Millard County land Use Code Title 10. He stated that the current piece that Mr. Johnson owns is zoned Heavy Industrial and Ag20. Anything that goes on this property must comply to both Heavy Industrial and Ag20 unless it is changed by the applicant and approved by the Commission.

Dean Anderson approached the Commission and stated he has 2 questions. About 35 years ago the county was having recommendations for the dairy's that are coming in. He is concerned about this project restricting him from a confined feeding operation. He also asked about the well requirements for a project of this size. Adam stated that an AFO requires a special zone, and it is the one type of activity it will put a limit on the surrounding properties. The county has acknowledgement information in their applications within Ag and Ag20. Dean Anderson stated that the water is also an issue.

McKay Christensen approached the commission and stated that the acre feet for staffing is much less than a home. But the water volume they are going to produce is very minimum. He then stated that his goal is to bring some good jobs to this area.

Commissioner Erin Sorenson made a MOTION to close the Public Hearing. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2022-015 to change the zoning of property located approximately 3120 East Main Street, Delta from Highway Commercial (HC) and Agriculture 20 (AG20) to Light Industrial (LI)—OSH Cut, Applicants, David Johnson, Owner

Commissioner DeMar Iverson asked if the applications have talked to the State of Utah to maybe put in center islands or traffic lights. McKay stated he has not yet but that is something they will have to work with the state to meet their requirements.

Lisa Chamberlain stated they do need to apply for a new UDOT encroachment permit.

There was discussion of the 2 zones on the property.

Deputy County Attorney Petersen stated that legally with going forward with the requested zone change it will fix a problem but it is a discretionary decision.

Commissioner Erin Sorenson asked about the overlay map annexation date. There was discussion of the Delta City boundary lines on the property map.

Commissioner Erin Sorenson stated that she has heard what everyone has said tonight, and not that the points are not valid, but they would be considered more with a conditional use permit rather than the zone change proposed at this meeting.

Commissioner Erin Sorenson made a MOTION to recommend application Z-2022-015 She believes it conforms to the general plan and on the wellbeing of the county with potential of development and also cleaning up some of the zoning issues. Following the proposed recommendations:

RECOMMENDATION

- A. Recommend the zone change from Highway Commercial (H): Agriculture 20 (AG20) to Light Industrial be approved only if it can be determined that industrial-type operations permitted under the Table of Uses are an appropriate land use for the proposed location.
- 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 factors, among others:
 1. Consistence 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 it's residents.
 5. The ability of the county and other service providers, as applicable, to provide all infrastructure, facilities, and services required buy the uses and activities allowed but the proposed amendment.
 6. Compatibility of the proposed uses and activated 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, objective, and policies of the *General Plan*, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolution required to implement the amendment. (Ord. 12/12/04, 12/04/2012)

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

Planner Adam Richins stated that this will go forward to the Millard County Commission meeting next Tuesday.

Commissioner Joyce Barney stated that a lot of the issues will come forward within the Conditional use permit.

5. REVIEW and POSSIBLE APPROVAL—Application # Z-2022-016 for a Non-Plat Subdivision located at approximately 3120 E Main Street Delta. OSH Cut, Applicant, David Johnson, Owner

Commission David Sturlin went over proposal for Application Z-2022-016 for a Non-Plat subdivision. Planner Adam Richins went over the process of a Non-Plat Subdivision application.

Commissioner Joyce Barney asked if the commission can approve this application without the approval of the rezone by the County Commissioners. Deputy County Attorney Denton Peterson stated that they can-not be done individually.

There was discussion about the process of getting the roads in the area suitable for this kind of activity.

Roger Bliss approached the commission to verify that restrictions will apply still with a CUP.

Commissioner Joyce Barney made a MOTION to approve application Z-2022-016 with the condition that permit Z-2022-015 Is approved by the BOCC. The reason for this is to correct parcel sizes and zones. It is in conformance to the General plan and Millard County recognizes the economic contributions to the area, it does meet the requirements of a Non-Plat Including the recommendations.

RECOMMENDATION

1. Approve the Non-Plat Subdivision as proposed only if conditioned on approval by the Millard County Board of Commissioners of the connected zone change application (Z-2022-015).
2. Basis for Recommendation or Approval of the Subdivision: (Title 11- Subdivision Regulations)

11-1-4 DEFINITIONS

SUBDIVISION:

- A. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, parcels, sited, units, plots or other division of the 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 or 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 or 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, 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.

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: an
 - 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 a 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 area, width, access, and frontage requirements of the zone in which the property is location, or has been granted a 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 of 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 approved subdivision plat. The deed restriction shall also contain a statement that subsequent owners of the created parcels are 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. 10-8-2001)

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

There was discussion that if the Zone Change does not go forward the property will revert back to the prior existence.

6. REVIEW and POSSIBLE APPROVAL— Amended Application # Z-2021-051 for a Plat Subdivision located at approximately 1000 E 2000 S, Delta. Kay L. Hansen, Applicant

Planner Adam Richins went over the proposal for application Z-2021-051. There were some issues with the actual plat so they have an amended plat to approve.

Commissioner Erin Sorenson made a **MOTION** to approve the amended application #Z-2021-051. Commissioner David Sturlin **SECONDED** the motion. Voting was unanimous in the affirmative.

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

8. APPROVAL OF MINUTES –Planning Commission Meetings March 2nd & April 28th 2022

Commissioner David Sturlin made a MOTION to approve both minutes. Commissioner DeMar Iverson SECOMNDED the motion. Voting was unanimous in the affirmative.

9. ADJOURNMENT

Commissioner DeMar Iverson made a MOTION adjourn at 7:42 pm. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2022
David Sturlin, Chairman
Millard County Planning Commission