

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
September 7, 2022**

The Millard County Planning Commission met on Wednesday September 7, 2022 at the Millard County Offices, 71 South 200 West, Delta, Utah.

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

**EXCUSED:** Bob Rogers ..... Planning Commissioner  
DeMar Iverson ..... Planning Commissioner  
Joyce Barney ..... Planning Commission Vice Chairman

**ALSO PRESENT:**

Adam Richins..... Millard County Planner  
Dean Draper ..... Millard County Commissioner  
Denton Peterson ..... Deputy County Attorney  
Mallori Wood..... Secretary  
Matt Ward ..... Millard County Chronicle Progress  
Stacey Lake ..... Millard County Resident  
Randy Lake..... Millard County Resident  
Bill Nelson..... Millard County Resident  
Shauna Nelson ..... Millard County Resident  
Vickie Lyman ..... Millard County Resident  
Betty Kelly ..... Millard County Resident  
Rendon Hughes..... Millard County Resident  
Kenneth Skeem ..... Applicant  
Devin Meinhardt..... Applicant Dave Lyman’s son in law

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 6:34 pm. He welcomed all present.

**2. PUBLIC INPUT** - There wasn't any public input.

**3. REVIEW and POSSIBLE APPROVAL**—Application # Z-2022-034 for a Plat Subdivision located at approximately 1230 W to 1800 W 4500 S, Delta. Kenneth A. Skeem, Applicant

Kenneth Skeem approached the Commission. He stated that he would like to divide his land into 6 lots.

There was discussion about the direction that each lot will face.

There was discussion about water.

Commissioner Peter Greathouse made a MOTION to make a favorable recommendation to the Board of Millard County Commissioners.

## **RECOMMENDATION**

1. Approve the 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, re-subdivided 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 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 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.

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

**4. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application # Z-2022-030 to change the zoning of property located approximately 1800 W 4000 N Fillmore from Agriculture (AG) to Agriculture 20 (AG 20)—Austin Johnson, Owner

Commissioner Erin Sorenson made a MOTION to open the Public Hearing. Commissioner John Nye **SECONDED** the MOTION. Voting was unanimous in the affirmative.

Applicant Austin Johnson was unable to attend the meeting. Planner Adam Richins spoke on their behalf and gave a description of the application.

Commissioner Peter Greathouse made a MOTION to close the Public Hearing, Commissioner Erin Sorenson **SECONDED** the MOTION. Voting was unanimous in the affirmative.

**5. REVIEW and POSSIBLE RECOMMENDATION** – Zoning Ordinance Map Amendment Application # Z-2022-030 to change the zoning of property located approximately 1800 W 4000 N Fillmore from Agriculture (AG) to Agriculture 20 (AG 20). Austin Johnson, Applicant

Commissioner Erin Sorenson made a MOTION to send a favorable recommendation to the Millard County Board of County Commissioners.

## RECOMMENDATION

A. Recommend the zone change from Agriculture (AG) to Agriculture 20 (AG20).

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. 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 John Nye **SECONDED** the MOTION. Voting was unanimous in the affirmative.

**6. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application # Z-2022-033 to change the zoning of property located approximately 1185 N. Highway 6 Delta from Highway Commercial (HC) / Residential (R1) to Highway Commercial (HC). Patrick Smith, Applicant

Commissioner Erin Sorenson made a MOTION to open the Public Hearing. Commissioner John Nye **SECONDED** the MOTION. Voting was unanimous in the affirmative.

Applicant Patrick Smith was unable to attend the meeting. Planner Adam spoke on behalf of the applicant and gave a description of the application.

Rendon Hughes approached the commission and asked for better clarification of why the zones would need to be changed.

Bill Nelson approached the commission. He asked for clarification of the application.

There was discussion about the zoning of the property surrounding the area.

Shauna Nelson approached the commission and asked about the two separate buildings on the property.

Applicant Patrick Smith appeared by phone. He stated that he would like to rezone the property to allow housing for workers. He stated that the number of sites would be very limited due to the supply of water in the area.

Commissioner David Sturlin asked if the applicant was aware that he would need to submit a second application for any kind of campground or RV park.

Shauna Nelson approached the commission and asked if the applicant was aware of the farming and livestock on the surrounding property.

Bill Nelson approached the commission and asked where the applicant will be getting their water.

Denton Peterson stated that Delta City has stated that they will not allow tapping into city water without annexation of property. There is property between the applicant and Delta City that could make it difficult.

Commissioner Erin Sorenson made a MOTION to close the public hearing. Commissioner Peter Greathouse SECONDED the MOTION, voting was unanimous in the affirmative.

**7. REVIEW and POSSIBLE RECOMMENDATION** – Zoning Ordinance Map Amendment Application # Z-2022-033 to change the zoning of property located approximately 1185 N. Highway 6 Delta from Highway Commercial (HC) / Residential (R1) to Highway Commercial (HC). Patrick Smith, Applicant

Commissioner Erin Sorenson made a MOTION to send a favorable recommendation to the Millard County Board of County Commissioners.

## **RECOMMENDATION**

A. Recommend the zone change from Highway Commercial (HC) / Residential (R-1) to Highway Commercial (HC).

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. 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 affirmative.

**8. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application # Z-2022-031 to change the zoning of property located approximately 2 miles east of Oak City on Dry Creek Road from Agriculture 20 (AG 20) to Agriculture (Ag). David Lyman, Applicant

Commissioner Peter Greathouse made a MOTION to open the public hearing. Commissioner John Nye **SECONDED** the motion. Voting was unanimous in the affirmative.

Devin Meinhardt, David Lyman's son-in-law approached the commission. He stated that the applicant would like to rezone the area to be able to build a residence.

Commissioner David Sturlin gave reasoning for the zone change.

Planner Adam stated that there are other properties surround the area that are not in conformance with Millard County Zoning, but were built before 05/01/1991, prior to the ordinance.

Commissioner Peter Greathouse made a MOTION to close the Public Hearing. Commissioner Erin Sorenson SECONDED the MOTION. Voting was unanimous in the affirmative.

**9. REVIEW and POSSIBLE RECOMMENDATION** – Zoning Ordinance Map Amendment Application # Z-2022-031 to change the zoning of property located approximately 4375 W 4500 S, Delta City on Dry Creek Road from Agriculture 20 (AG 20) to Agriculture (Ag). David Lyman, Applicant

There was discussion about the road in and out of the property.

There was discussion of whether the lot is a legal lot of record.

There was discussion about the surrounding property owners coming together to bring the area into conformance with the Millard County Ordinance.

There was discussion of whether the applicant can build in Range and Forest, or if the area needs to be rezoned to Ag20.

Commissioner Erin Sorenson stated if the intention is to continue to allow further development in the area, then the zone change makes sense, but if not then she doesn't believe this should be allowed.

There was discussion about emergency response.

Denton Peterson better clarified what would need to be done for the lots to have legal status.

Commissioner Erin Sorenson made a MOTION for an Unfavorable recommendation to the Board of County Commissioners. Commissioner Peter Greathouse SECONDED the MOTION. Voting was unanimous in the affirmative.

**10. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application # Z-2022-032 to change the zoning of property located approximately 4375 W 4500 S, Delta from Agriculture 20 (AG 20) to Residential (R1). Derrick & Ashley Eliason, Applicants

Commissioner Erin Sorenson made a MOTION to open the Public Hearing. Commissioner John Nye SECONDED the MOTION. Voting was unanimous in the affirmative.

Applicant Derrick Eliason approached the commission and gave a description of the application.

Planner Adam stated that he received an email from surrounding property owner, Darlene Dewsnup. She stated that she would like to keep the zoning as is and not change it. She believes there is limited tillable ground in the area as is, and would like to keep the area as AG 20.

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

**11. REVIEW and POSSIBLE RECOMMENDATION** Zoning Ordinance Map Amendment Application # Z-2022-032 to change the zoning of property located approximately 4375 W 4500 S, Delta from Agriculture 20 (AG 20) to Residential (R1). Derrick & Ashley Eliason, Applicants

Planner Adam read a portion of the Millard County Plan.

There was discussion about the current use of the property.

There was discussion about available water.

There was discussion as to why the applicant would like to change the zone to Residential rather than Ag 20.

There was discussion about the access roads.

There was discussion about available utilities.

Commissioner John Nye made a MOTION for a favorable recommendation to the Millard County Board of County Commissioners.

## **RECOMMENDATION**

A. Recommend the zone change from Agriculture 20 (Ag 20) to Residential (R1).

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. 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 Erin Sorenson **SECONDED** the MOTION. Voting was unanimous in the affirmative.

## **12. DISCUSSION—RV Park Ordinance**

Commissioner Peter Greathouse made a MOTION for a recess at 7:49 pm.  
Commissioner Erin Sorenson **SECONED** the MOTION. Voting was unanimous in the affirmative.

Commissioner David Sturlin called the meeting back to order at 7:57 pm.

Planner Adam discussed the current county code.

There was discussion about density and location.

There was discussion about the length of time people would be able to stay in the RV Park.

There was discussion about an existing abandoned RV park and reclamation of any RV Park that is built.

There was discussion about requirements of privacy fencing for both agricultural areas and residential.

There was discussion about geographical requirements.

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

**14. APPROVAL OF MINUTES** – The proposed minutes of the Planning Commission Meeting held August 3, 2022 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Peter Greathouse made a MOTION to approve the minutes for August 3, 2022 as corrected. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

**15. ADJOURNMENT**

Commissioner David Sturlin made a MOTION to adjourn at 9:00 pm. Commissioner John Nye SECONDED the motion Voting was unanimous in the affirmative.

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Dated this \_\_\_\_ day of \_\_\_\_\_ 2022  
David Sturlin, Chairman  
Millard County Planning Commission