

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 1, 2024**

The Millard County Planning Commission met on Wednesday May 1, 2024, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
Phil Morrison Planning Commissioner
DeMar Iverson Planning Commissioner
John Nye Planning Commissioner
Pat Manis Planning Commissioner
Erin Sorenson Planning Commissioner

EXCUSED: David Sturlin Planning Commission Chairman
Mallori Wood Secretary

ALSO PRESENT:

Adam Richins Millard County Planner
Denton Peterson Deputy County Attorney
Bill Wright Millard County Commissioner
Paola Garcia Applicant
Juan Garcia Applicant
Jeff Christensen Applicant
Ivan Christensen Applicant
Rebecca Scott Applicant
Howard Scott Millard County Resident
Justin Ashby Delta City Employee
Roger Killpack Sherwood Shores POA
Francisco Carcamo Applicant
Shaylee Carcamo Applicant
Michael Zurn 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 – Vice Chairman Joyce Barney called the meeting to order at 6:40 pm. She welcomed all present.

2. PUBLIC INPUT- Scott Anderson approached the commission on representing drainage district number 4. He thanked the commission for their time. He showed the commission a picture of a power pole and stated it is in the middle of a drain bank. He also stated that eventually that drain will need to be cleaned and the pole is potentially in the way. He would like the commission to require that pole to be moved.

3. REVIEW and POSSIBLE APPROVAL—Application #Z-2024-016 for a Non-Plat Subdivision located at approximately 1900 W 4500 S Delta. Paola Garcia, Applicant.

Paola Garcia approached the commission and stated that her application was postponed from last month’s meeting, she was informed at the time that the road wasn’t formally dedicated. But later found out that the road has been there for over 10 years and it’s automatically dedicated.

Deputy County Attorney Denton Peterson stated that by state statute, if a road has been used for 10 years by the public, it becomes a public right of way and by virtue of that it is automatically dedicated to the county or municipality. In this case the dedication happened automatically and the documents being added to it are to clarify what the road widths are, and to have them recorded correctly.

Vice Chairman Joyce Barney went over the recommendations with the applicant.

Commissioner DeMar Iverson made a MOTION to send a favorable recommendation on application #Z-2024-016 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating a 1.0-acre legal lot of record.
2. Basis for Recommendation or Approval of the Minor Subdivision:

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 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 located, 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 exercised and that the resulting parcels may not be further subdivided without recordation of an 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)

4. REVIEW and POSSIBLE APPROVAL —Application #Z-2024-011 for a Non-Plat Subdivision located at approximately 1000 S 1000 E Delta. Ivan Jeff Christensen, Applicant.

Ivan Christensen approached the commission.

Deputy County Attorney Denton Peterson stated that because the easement to the drain is prescriptive and not recorded the county doesn't have documentation stating what the easement actually is. Millard County can't say move the pole because although it's an easement the county can't say they have a right to use it or to what degree they can use it.

There was discussion about the different access routes to the drainage canal.

Deputy County Attorney stated that; for this application; the road has been designated by the road supervisor as a major collector street which is a width of 66 feet. And that's the requirement, that's what the dedication is and that's what the acknowledgement will show for each of those lots. That width be recorded for each of those lots so that any future purchasers know that, that dedication is there.

Commissioner Pat Manis made a MOTION to send a favorable recommendation on application Z-2024-011 to the BOCC based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision

Basis for Recommendation or Approval of the Minor Subdivision:

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 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 located, 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.

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5. REVIEW and POSSIBLE APPROVAL —Application #Z-2024-019 for a Non-Plat Subdivision located at approximately 3100 W 4500 S Delta. Francisco & Shaylee Carcamo, Applicants.

Francisco Carcamo approached the commission and gave a description of his application. He stated that he has access to all utilities in the area.

Commissioner DeMar Iverson made a MOTION to approve application Z-2024-019 based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3.

RECOMMENDATION

1. Approve the Non-Plat Subdivision

Basis for Recommendation or Approval of the Minor Subdivision:

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 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 located, 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.

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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 exercised and that the resulting parcels may not be further subdivided without recordation of an 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)

6. PUBLIC HEARING – Application # Z-2024-020 for a C-1 Conditional Use Permit for a Campground (private, non-commercial) and Resort located at Castle Hills Drive & Sherwood Drive, Delta. Rebecca Scott, Applicant.

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

Rebecca Scott approached the commission and gave a description of her application. She stated that her family has had their lots out at Sherwood Shores since the early 80's. She stated there is also use of private solar at the resort with wellness education and agriculture education and seasonal stand for gardening and garden art.

Planner Adam Richins stated that the commission has received 2 emails, from Sherwood Shores property owners; Sherri O'Camb, and Brett Petersen, both regarding application #Z-2024-020. They have been disseminated to the commission.

Commissioner Phil Morrision stated that he wants to make it known that he lives in Sherwood Shores and is on the POA board.

Justin Ashby with Delta City approached the commission and stated that they're against the application. They're currently working on approving the water system and nobody has filed an application or paid any fees to tie into the water system.

Planner Adam Richins stated that land use approval does not necessarily allow them to forego any other obligations they have to be compliant at Sherwood Shores.

Deputy County Attorney Denton Peterson stated that because this is a C-1 Conditional Use Permit a condition could be imposed requiring the applicant to get signed documentation from Delta City stating they've met all requirements before the permit becomes available.

Roger Killpack approached the commission representing the POA Board from Sherwood Shores. He stated that the board in general is united in the opposition of this application. They have concerns about the number of spots or sites and how many people would be allowed at one time. The application states resort. That implies a commercial venture. In the Sherwood Shores By-laws, it states that there is to be no business or commercial operations allowed. They're also concerned about septic systems.

Howard Scott approached the commission and stated that they have been in and talked with Delta City about water and are waiting for some information from them. He stated this is just for family, it is not and will not be a commercial thing at all.

Michael Zurn approached the commission and stated that he came tonight to observe. He stated that being clearer about what the goal is or what the benefit to the landowner

would be could possibly give the county some confidence about what's going on and the surrounding residents some clarity on what they're trying to do.

Commissioner Erin Sorenson made a MOTION to close the public hearing. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE APPROVAL – Application # Z-2024-020 for a C-1 Conditional Use Permit for a Campground (private, non-commercial) and Resort.

Deputy County Attorney Denton Peterson stated that we can grant a permit for something that is an allowed use in the county even if the use is being done in an area where there is a POA that says the use is against their rules. Just because they have a county permit does not mean that the POA can stop them from engaging in the use if they have enforceable rules.

Rebecca Scott approached the commission and stated that with the resort she is intending to have meditation classes that will be during the day. There won't be any overnight stays. Everything is donations.

There was discussion about the definition of a resort within the county code and it was determined that this application did not meet that definition.

There was discussion about the solar in the application. Rebecca stated that she would want solar for the RV's.

There was discussion about dwellings on the property. Rebecca stated that there are a few RV's that are there permanently but they're used by family only.

There was discussion about septic in the area. Rebecca stated that there is a septic tank on lot 106.

The applicant stated that she would like to move forward with the conditional use permit for private campground and withdraw the rest of the application.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2024-020 as amended to the campground portion of the application based on its conformance with the Millard County General Plan and as it meets the findings in County Code 10.8.3. and according to staff findings A through G and the addition of H that if you utilize water from that site, you get the proper approval from Delta City. And according to the recommendations A through K. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

STAFF FINDINGS

- a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses. Yes
- b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable. Yes
- 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. Yes
- 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. To be determined
- 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. Yes
- f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required. Yes
- 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. Yes. Reasonable conditions may be imposed to address specific concerns.
- h) If the applicant utilizes water from the site they must obtain proper approval from Delta City.

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

RECOMMENDATION

The conditional use application as submitted complies with the requirements of this title, all other applicable ordinances and resolutions, and the building codes as adopted, and should be considered for approval with establishment of reasonable conditions. Reasonable conditions should be imposed to address the health, safety, and welfare of surrounding property owners and should be consistent with conditions which could foreseeably be imposed as the activity levels increase.

PROPOSED REASONABLE CONDITIONS FOR APPROVAL FOR ACTIVITIES ON PROPERTY LOCATED AT LOTS 106, 549, 550, 553 SHERWOOD SHORES

- A. Not more than two (2) RV spaces be permitted per lot.

B. Dumping of RV waste be at approved offsite location or 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. Seasonal Uses conducted shall be limited to those described in the application and shall be contained within property boundaries.

G. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.

H. Signage shall comply with Millard County sign regulations.

I. Site area lighting shall be downward directed.

J. Owner shall be responsible for all site security.

K. 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.

8. OTHER BUSINESS – There will be a work meeting on May 14th at 4:00 pm.

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

10. APPROVAL OF MINUTES –

The proposed minutes of the Planning Commission Meeting held February 7, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner Erin Sorenson made a MOTION to approve the minutes from February 7, 2024. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held April 10, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes from April 10, 2024. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

11. ADJOURNMENT - Commissioner Phil Morrison made a MOTION to adjourn at 8:45 pm. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2024
Joyce Barney, Chairman
Millard County Planning Commission