

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 7, 2024**

The Millard County Planning Commission met on Wednesday August 7, 2024, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Chairman
Phil Morrison Planning Commissioner
John Nye Planning Commissioner
Pat Manis Planning Commissioner

EXCUSED: Erin Sorenson Planning Commission Vice Chairman
DeMar Iverson Planning Commissioner
Phil Diaz Planning Commissioner

ALSO PRESENT:

Adam Richins Millard County Planner
Mallori Wood Secretary
Shane Church Applicant
Melissa Tolbert Applicant
Cody Dixon Rural Construction
Devan Wilson Jones & DeMille
Micklane Farmer Jones & DeMille
Rod Reed Rosenberg Associates

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 Joyce Barney called the meeting to order at 6:50 pm. She welcomed all present.

2. PUBLIC INPUT – There wasn't any public input.

3. PUBLIC HEARING for a Zone Change—Application #Z-2024-014 requesting a zone change from Range & Forest (RF) to Highway Commercial (HC) for 4.13 acres of property located at approximately 17030 Utah Highway 161 (Cove Fort).

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

Rod Reed with Rosenberg Associates, Representing the applicant approached the commission and gave a description of the application. They're wanting to clean up the area so they can close the loan and get some remodeling done.

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

RECOMMENDATION

A. Recommend approval of the zone change from Range & Forest (RF) 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)

4. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2024-014 requesting a zone change from Range & Forest (RF) to Highway Commercial (HC) at approximately 17030 Utah Highway 161 (Cove Fort).

Commissioner Pat Manis asked for clarification of the map. He would like to know what portion of the map is Highway Commercial and what isn't.

The existing convenience store is on range and forest land.

Commissioner Pat Manis made a MOTION to send a favorable recommendation to the BOCC based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3 Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2024-033 for Solar energy system (minor) at approximately 1239 W 6200 N Holden.

Cody Dixon with Rural Construction approached the commission and gave a description of the application.

The applicant would like to use solar to offset the cost of their power bill on their ag wells.

There was discussion about the size of the panels.

Planner Adam Richins went over the recommendations in the staff report.

Commissioner John Nye made a MOTION to approve application number Z-2024-033 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 C-1 Conditional Use Permit application permitting the construction and operation of a Solar Energy System (minor) with the following reasonable conditions:

a) Setbacks from property lines shall be those identified in 10-25-2 Appendix B-1 in the Agriculture 20 (Ag-20) Zoning District.

b) Necessary Warning Signage be placed on site perimeter fencing, electrical equipment.

c) A weed-free area be maintained below and around equipment and for a distance at least 25' around panel installation.

d) A Fire Management Plan acceptable to the County Fire Marshal be provided and followed. This plan shall address fire management during the construction and maintenance of the solar installation.

2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

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

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.

6. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2024-031 for an Accessory Dwelling Unit 25 at 2201 N. 7000 W. Delta (Hinckley). Tony & Melissa Tolbert Applicants.

Melissa Tolbert approached the commission and gave a description of the application. Her daughter was recently married. They would like to put a manufactured home on their property for them to live in while they go to school. All utilities other than septic will be shared.

Commissioner Phil Morrison made a MOTION to approve application #Z-2024-031 based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-1 Conditional Use Permit Application permitting the construction of an accessory dwelling unit.

2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

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

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.

7. REVIEW and POSSIBLE APPROVAL— P-2 Permitted Use Permit Application #Z-2024-035 for Home Occupation (major) at approximately 2585 W 500 N Fillmore. Lyle Bunker, Applicant.

The applicant was not present. Planner Adam Richins spoke on his behalf.

Lyle Bunker would like to buy product that has been returned to big retailers and resale them. There wouldn't be any outside storage and customers would not go to the property.

The commission went over the staff findings in the staff report.

Commissioner Pat Manis made a MOTION to approve application Z-2024-035 based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

The permitted 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 setbacks.

PROPOSED REVISIONS/ REQUIREMENTS FOR APPROVAL:

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

Minimum lot size (Existing) 4.26 Acres

Minimum lot width (Existing)

Minimum front yard (North Side) 35 Feet

Minimum side yard (East/West Sides) 12 Feet

Minimum rear yard (South Side) 12 Feet

Maximum building height 30 Feet

Minimum Off Street Parking Standard

(# of parking spaces) None

B. Access to the property shall limited to the existing driveway for ingress and egress.

C. No on-street parking shall be permitted.

D. Signage shall comply with Millard County sign regulations.

E. 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. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2024-037 for Industrial/Manufacturing Activity (light) on property located approximately 2510 E 500 S Delta.

Shane Church with SFC Welding approached the commission and gave a description of the application.

Planner Adam Richins clarified the application with the commission.

There was discussion about the water in the area. Along with fire suppression.

Commissioner Phil Morrison made a MOTION to approve application #Z-2024-037 based on its conformance with the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

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.

PROPOSED REASONABLE CONDITIONS FOR APPROVAL OF C-1 CONDITIONAL USE FOR INDUSTRIAL/MANUFACTURING ACTIVITY (LIGHT) LOCATED AT 2510 EAST 500 S. DELTA:

A. Setbacks and proposed structures shall be substantially as shown in the submitted site plan.

B. No on-street parking shall be permitted on or along public roads.

C. A Road Maintenance Agreement be established with Millard County for truck traffic on county roads.

D. Dust mitigation controls be implemented to address dust from construction and operations.

E. Signage shall comply with Millard County sign regulations.

F. Site area lighting shall be downward directed.

G. Owner shall be responsible for all site security.

H. 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. PUBLIC HEARING for a Text Amendment—Text Amendment Application #Z-2024-036 amending the Millard County Master Transportation Plan.

Commissioner John Nye made a MOTION to open the Public Hearing. Pat Manis SECONDED the motion. Voting was unanimous in the affirmative.

Commissioner Pat Manis made a MOTION to close the Public Hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

10. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application #Z-2024-036 amending the Millard County Master Transportation Plan.

Devin Wilson and Micklane Farmer with Jones and DeMille went over the proposed transportation plan with the commission.

Commissioner Pat Manis made a MOTION to send a recommendation to the BOCC. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

11. OTHER BUSINESS Review of Millard County General Plan Updates (Discussion only)

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

13. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held June 5, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner John Nye made a MOTION to approve the minutes from June 5, 2024. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative

14. ADJOURNMENT – Commissioner Pat Manis made a MOTION to adjourn at 9:12 pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

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