

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 2, 2024**

The Millard County Planning Commission met on Wednesday October 2, 2024, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

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

EXCUSED: DeMar Iverson Planning Commissioner

ALSO PRESENT:

Adam Richins Millard County Planner
Denton Peterson Deputy County Attorney
Mallori Wood Secretary
Matt Ward Millard County Chronicle Progress
Jaime Hurtado Applicant
Natalie Hurtado Applicant
Austin Fowles Applicant
Mattison Fowles Applicant
Dennis Alldredge Fillmore City
William Myers ACES Delta
Susan Fernandez ACES Delta
Tiffany James ACES Delta
Paige Williams ACES Delta
Lewis Peters ACES Delta
Sharalyn Clayton 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- Planning Chairman Joyce Barney called the meeting to order at 6:32 pm. She welcomed all present.

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

3. PUBLIC HEARING for a Zone Change—Application #Z-2024-045 requesting a zone change from Agriculture (AG) to Heavy Industrial (HI) of 436.63 acres of property located South and East of the intersection of West 7500 North Road and North 4000 West Road Delta. ACES Delta, LLC, Applicant.

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

William Myers and Susan Fernandez with ACES Delta LLC approached the commission and gave a description of their application. The property in the application has historically been used as a homestead with some crop production. As of right now, ACES is continuing to lease the lands to maintain crop production. The main purpose for the purchase of the land was to get a right of way for the connection for Rocky Mountain Power to our facilities.

Sharalyn Clayton approached the commission and asked if there will be more lines running through the area. She also asked if they had any plans for the area. William Myers stated that the purchase of the land was to get a right of way through that property. They have plans to keep it agriculture and leasing the land.

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

4. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2024-045 requesting a zone change from Agriculture (AG) to Heavy Industrial (HI) of 436.63 acres of property located South and East of the intersection of West 7500 North Road and North 4000 West Road Delta.

Planner Adam Richins asked why this area was chosen. William Myers stated that area is the most accessible for power and the best right of way.

Tiffany James with ACES Delta stated that the easement is to get power from one location to the O&M Building for the ACES 1 project.

Planner Adam Richins went over the recommendations with the applicant.

Commissioner Pat Manis made a MOTION to send a favorable recommendation of application #Z-2024-045 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

A. Approve the zone change from AG to HI.

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)

5. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Amendment Application #Z-2024-048 amending existing Conditional Use Permit #Z-2010-008 / Z-2017-032 – Large Scale Project for Natural or Manufactured Gas Storage.

William Myers with ACES Delta gave project history.

Planner Adam Richins stated that initially the county was very cautious about the project and didn't want to give approval that was for a project that nobody really had any experience with in the area before so they put an expiration date on this part of the permit.

There was discussion about temporary workers and the amount of training required.

There was discussion about existing permits at the state and federal level.

William Myers stated that there isn't a specific customer for rail and truck right now, but they have the infrastructure for that if needed.

There was discussion about creating roads and an entrance to the facility. When the construction for the permanent entrance is complete it will allow large vehicles or anyone to come off that road completely before they get to the gate.

The applicant has worked with IPA to coordinate a first response team so they can try to take care of things while waiting for a first responder.

Deputy County Attorney Denton Peterson read through the recommendations with the applicant.

Commissioner John Nye made a MOTION to send a favorable recommendation on application #Z-2024-048 to the BOCC 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 C-2 Conditional Use Permit #Z-2024-048 for a Natural Gas Storage and Distribution Facility (Salt Cavern Gas Storage Facility) with proposed changes. All conditions to be the same except for the condition expiring the permit absent construction.

2. Basis for Issuance of an Amendment to Conditional Use Permit #Z-2024-048:

a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.

b) The proposed use is allowed within the Zoning District as identified in Chapter 8.

c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.

- d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

6. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Amendment Application #Z-2024-049 amending existing Conditional Use Permit #Z-2017-033/ Z-2020-044 – Large Scale Project for an Electrical Generating Facility (Bulk Energy Generation and Storage).

William Myers and Susan Fernandez with ACES Delta told the history of the project. The request to amend is to change the site layout, it is the same property as talked about on the prior application and some editorial corrections to the body of the conditional use permit.

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

RECOMMENDATION

1. Approve the C-2 Conditional Use Permit Amendment Application with reasonable conditions.

2. Basis for Issuance of a Conditional Use Permit:

a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.

b) The proposed use is allowed within the Zoning District as identified in Chapter 8.

c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.

d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

h) 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. (Ord. 12-12-04, 12-4-2012)

3. Approve the Permit with the following reasonable conditions:

1. The Facility. An accurate map of the Facility depicting the surveyed site boundary and legal description for the Facility is attached hereto as Exhibit 4.

2. Property Owner and Lease Agreement(s). As provided and verified by ACES Delta to the County, copies of all ACES Delta Property Owner and Lease Agreement(s), existing on the date of approval of this Permit, are attached hereto as Exhibit 5.

3. Property Owners. A list of all property owners of record as of August 23, 2024 both within the Facility and within 300' of the Facility boundary, are provided as Section 2 in the attached application.

4. Facility Development Summary. A summary of all uses and activities approved by this Conditional Use Permit for the Facility is attached as Attachment F.

5. Detailed Facility Plan. Detailed Facility Plan(s) for the Facility, including necessary text and other illustrative materials clearly identifying the locations, dimensions and other relevant information for all Facility buildings, structures, and facilities, including all accessory facilities and structures.

6. Limited Approval. Conditional Use Permit #Z-2024-049 shall apply only to the property identified by the detailed legal description and the buildings, facilities, and structures identified by the Development Summary (Attachment F).

7. Permitting Requirements. All conditions and requirements of approval of all governmental permits, licenses, and/or orders required for the operation of the Facility,

including, but not limited to, the plans and protocols referenced in Finding of Fact No. 2 and Conditions 9-14, are hereby established as conditions of approval of Conditional Use Permit #Z-2024-049 and are incorporated herein by this reference as conditions of approval. Future modifications to these plans and protocols will be done in consultation with the County.

8. Notices and Reporting. ACES Delta shall provide a copy of all reports, materials, and other correspondence concerning the construction and operation of the Facility to the BOCC, County Attorney, and County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the Facility, including, but not limited to, the FERC, DOGM, DWRI, and DWQ.

9. Public Safety and Emergency Response. Prior to construction and on an annual basis thereafter, ACES Delta shall consult with the County to establish and update detailed public safety, fire, and emergency medical response protocols for the Facility which shall be subject to approval by the County and such approval shall not be unreasonably withheld.

10. Site Security Plan. ACES Delta is developing a Site Security Plan and an Emergency Planning and Response Plan in consultation with the Millard County Sheriff's Office. This Plan shall address Facility security measures and County public safety communication protocols. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

11. Fire Prevention Program. ACES Delta is developing a Fire Prevention Program in consultation with the appropriate Federal, State and Local agencies. This Plan shall outline fire

prevention practices and fire related emergency management protocols. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

12. Groundwater Monitoring Plan. ACES Delta is developing a Groundwater Monitoring Plan in consultation with the appropriate State and Local agencies. This Plan shall outline monitoring, reporting, and notification requirements relative to potential groundwater level and quality impacts associated with solution mining activities at the site and shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Groundwater Monitoring Plan as approved by the applicable regulatory authority will be provided to the Millard County Planner's office.

13. Subsidence Monitoring Plan. ACES Delta is developing a Subsidence Monitoring Program in consultation with the appropriate State and Local agencies. This Plan shall

outline monitoring, reporting, and notification requirements relative to potential ground subsidence impacts associated with solution mining activities at the facility. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Subsidence Monitoring Plan as approved by the applicable regulatory authority will be provided to the Millard County Planner's office.

14. Seismic Monitoring Plans. ACES Delta is developing a Seismic Monitoring Program in consultation with the appropriate State and Local agencies. This Plan shall outline monitoring, reporting, and notification requirements relative to potential impacts to the facility from seismic activity. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Seismic Monitoring Plan as approved by the applicable regulatory authority will be provided to the Millard County Planner's office.

15. Independent Specialist Review. The County may engage an independent specialist with expertise in groundwater and geology, at the County's choosing, to review all reports, materials, and other correspondence filed with a governmental agency related to the Facility's groundwater use and groundwater monitoring. ACES Delta will provide cost recovery to the County for this review. The County will identify, treat, and protect this report and any supporting documents as confidential business information, unless or until this information is deemed to be public information.

16. Facility Reclamation. ACES Delta's obligations to reclaim the Facility are set forth in the lease entered into between ACES Delta and the owner of the real property upon which the Facility is located (School and Institutional Trust Lands Administration) ("SITLA Lease"), which is attached hereto as Attachment C. Pursuant to the provisions of the SITLA Lease and the requirements of regulatory authorities, ACES Delta has been required to post bonds to ensure full reclamation of the property, including, without limitation, prior plugging and abandoning of wellbores, removal of surface improvements, recontouring, and revegetation. To the extent state regulations governing ACES Delta's obligation to reclaim the Facility differ from SITLA's requirements, ACES Delta shall also comply with all such regulations.

17. Property Owner and Permittee Agreements. ACES Delta agrees to indemnify and hold harmless all Property Owners and Permittees for costs incurred as a result of any ACES Delta Facility uses, activities, and operations.

18. Warning Signage. All necessary Facility warning signage of a size, design and locations as required for the construction and operation of the Facility by all applicable laws, ordinances, and regulations shall be provided.

19. Insurance. ACES Delta shall provide a list of all ACES Delta insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. ACES Delta shall provide

updated lists from time to time as needed to reflect changes in ACES Delta insurance coverage(s).

20. The County Planner and ACES Delta, communicating and coordinating together, shall have the obligation and responsibility to ensure that all conditions of Conditional Use Permit Z-2020-044 are met and complied with.

21. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit #Z-2024-049 upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

22. Minor Facility Plan Changes. Minor facility plan change is defined as a change in the facility operation or layout, in connection with the uses contemplated and allowed under this Amended Conditional Use Permit, that does not materially affect the intent and purposes, nor exceed the scope, of this Amended Conditional Use Permit. Minor facility plan changes may be required at the Facility as the project progresses. To promote efficiency in the review and approval of minor facility plan modifications, the County Planner is authorized to review and approve or deny all minor facility plan modifications, provided any approved minor facility plan modification does not materially affect the intent and purposes, nor exceed the scope, of this Amended Conditional Use Permit. A proposed facility plan change that is not determined to be a minor facility plan modification by the County Planner shall be presented to the Planning Commission and BOCC as a Conditional Use Permit amendment, as provided for herein.

23. Amendments. All changes and modifications to this Amended and Restated Conditional Use Permit, and not determined to be a minor facility plan modification that can be approved by the County Planner in accordance with Section 22, shall be considered by the Planning Commission and BOCC as an amendment to the CUP and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

24. Permits Runs with Land. In accordance with state law, this Amended and Restated Conditional Use Permit shall run with the land, and the obligations and benefits of the CUP shall, respectively, be binding on and inure to the benefit of all successors and assigns of ACES Delta in the ownership or development of any portion of the Project. Upon any assignment of a portion of the Project that would entail the transfer of a portion of the real property, or lease subject to the CUP, ACES Delta and the assignee will file a revised site plan with the County depicting the area of the assignment, together with such other documents deemed reasonably necessary by the County to ensure that the assignee will be bound by the terms and conditions of the CUP.

25. Incorporation by Reference. All information, permits, licenses, attachments, and all other information referenced herein, including, but not limited to, the Permitting Requirements referenced in Condition No. 7, are hereby incorporated into this Conditional Use Permit by reference.

26. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by ACES Delta and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.

27. Recordation. Upon the approval and execution of Conditional Use Permit Z-2024-049, this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, and ACES Delta.

28. Confidential Documents. Millard County shall treat and protect as confidential business information all materials, studies, documents, information, and commitments (the "Documents") provided by ACES Delta pursuant to this Conditional Use Permit, unless or until the Documents are deemed to be public information.

7. REVIEW and POSSIBLE APPROVAL —Application #Z-2024-046 for a Non-Plat Subdivision located at approximately 2800 W 11700 N Delta. Jamie & Natalie Hurtado, Applicants.

Planner Adam Richins stated the address should be corrected to the Fillmore address grid.

Jaime and Natalie Hurtado approached the commission and gave a description of the application. There is an existing agriculture shop and a well on the property that they will use, they will be installing a septic system.

Planner Adam Richins clarified why this application is a subdivision.

Planner Adam Richins read the staff findings and recommendations with the commission.

Commissioner Phil Morrison made a MOTION to approve application #Z-2024-046. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating a 9.72-acre parcel.

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 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.

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)

8. REVIEW and POSSIBLE APPROVAL —Application #Z-2024-047 for a Non-Plat Subdivision located at approximately 2500 N 3300 W Delta. Austin & Mattison Fowles, Applicants.

Austin & Mattison Fowles approached the commission and gave a description of their application. They will be drilling their own well and have obtained water rights.

Commissioner Pat Manis made a MOTION to approve application #Z-2024-047. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating a 2.5-acre parcel.
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 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.

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)

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

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

11. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held September 11, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes from September 11, 2024. Commissioner Joh Nye SECONDED the motion. Voting was unanimous in the affirmative.

12. ADJOURNMENT Commissioner Pat Manis made a MOTION to adjourn at 8:53 pm. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2025
Erin Sorenson, Chairman
Millard County Planning Commission