

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
December 04, 2024**

The Millard County Planning Commission met on Wednesday December 04, 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

EXCUSED: DeMar Iverson Planning Commissioner
Phil Diaz Planning Commissioner
Mallori Wood Secretary

ALSO PRESENT:

Adam Richins Millard County Planner
Denton Peterson Deputy County Attorney
Matt Ward Millard County Chronicle Progress
Joey Wayman Millard County Resident
Dennis Alldredge Fillmore City

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 Commissioner Joyce Barney called the meeting to order at 6:33 PM. She welcomed everyone present.

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

3. PUBLIC HEARING for a Zone Change—Application #Z-2024-042 requesting a zone change from Agriculture 20 (AG-20) and Agriculture (AG) to Residential (R-1) of 16.79

acres of property located at approximately 300 West 100 South Scipio. Joseph Barlow, Applicant.

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

Joseph Wayman approached the commission. He is purchasing one of the parcels that the applicant would like to change the zone.

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

4. REVIEW and POSSIBLE RECOMMENDATION—Application #Z-2024-042 requesting a zone change from Agriculture 20 (AG-20) and Agriculture (AG) to Residential (R-1) of 16.79 acres of property located at approximately 300 West 100 South Scipio.

Planner Adam Richins stated that some of the property is located inside the county.

There was discussion on whether Scipio residents have been notified on the proposed change. Planner Adam Richins stated he has mailed out notices but hasn't had any response.

There was discussion on water in the area. Joseph Wayman stated that right now the area would not be buildable because there aren't any water rights available and that if someone wanted to drill a well, they would have to buy a water right.

Commissioner Pat Manis asked for clarification of the purpose behind the zone change if the area is not buildable. Planner Adam Richins clarified that this application is a zone change. If the property owner wanted to subdivide the property he would have to come back before the commission and follow the appropriate steps.

Joseph Wayman went over the map with the commission.

Commissioner Joyce Barney went over the recommendations with the commission.

Commissioner Pat Manis made a MOTION to send a favorable recommendation on application Z-2024-042 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

- A. Recommend the zone change from Agriculture 20 (Ag 20) to Residential (R1) or encourage annexation.
- 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 APPROVAL—C-1 Conditional Use Permit Application #Z-2024-050 to permit a Private, Non-Commercial Campground at approximately 900 E 750 S Fillmore. David Nixon, Applicant.

Planner Adam Richins stated the applicant will not be requiring any utility services and went over the Staff Findings with the commission.

Commissioner Erin Sorenson made a MOTION to approve application #Z-2024-050 based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

The 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 reasonable conditions to address the health, safety, and welfare of surrounding property owners and should be consistent with conditions which could foreseeably exist. Proposed Reasonable Conditions for the Private, Non-Commercial Campground:

- A. Not more than two (2) total RV spaces be developed.
- B. Use of the campground be limited to private, non-commercial use.

- C. Dumping of RV waste be at approved offsite location or in a permitted septic system.
- D. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- E. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- F. Fire prevention measures be implemented, and campfires be limited to firepits approved by fire code official.
- 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.

6. REVIEW and POSSIBLE APPROVAL—C-1 Conditional Use Permit Application #Z-2024-055 to permit Outside Storage at approximately 17175 S Highway 161 Cove Fort. Jose Luis Maya & Jose Luis Maya Sanchez, Applicants.

Planner Adam Richins gave a description of the application and went over the reasonable conditions with the commission.

Commissioner John Nye made a MOTION to approve application Z-2024-055 based on its conformance with the Millard County General plan and meets the finding in Millard County Code 10.8.3. Commissioner Phil Morrison 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. Reasonable conditions may 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 APPROXIMATELY 17175 S Highway 161 COVE FORT:

- A. Access be limited to approved locations on Highway 161.
- B. Storage (open/outdoor) shall be restricted to the area shown on the submitted site plan.
- C. Onsite roads be improved and maintained sufficient for emergency vehicle access.
- D. Setbacks and proposed structures shall be substantially as described in the submitted site plan and consistent with Appendices B & C in Chapter 25 of the Millard County zoning ordinance.
- E. No offsite parking shall be permitted.

- F. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- G. Signage shall comply with Millard County sign regulations.
- H. Site area lighting shall be downward directed.
- I. Owner shall be responsible for all site security.
- J. 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.
- K. Owner shall install a gravel road to a minimum of county standard for emergency ingress and egress.

7. REVIEW and POSSIBLE APPROVAL – Application #Z-2024-057 for a Non-Plat Subdivision located approximately 5 miles north of the Millard/Beaver County line. Kent Johnson, Applicant.

Planner Adam Richins gave a description of the application.

Commissioner Erin Sorenson made a MOTION to approve application Z-2024-057 based on its conformance with the Millard County General Plan and meets the findings in Millard County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating a 20.0-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 other 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. PUBLIC HEARING—Text Amendment Application Z-2024-043 (file number corrected to Z-2024 56) to amend Title 11, the Millard County Subdivision Ordinance to comply with new state requirements for review and approval of subdivision applications. Changes include new definitions, the designation of an Administrative Authority (New Section 11-1-10), and changes to the application, review, approval, and appeals processes.

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

There wasn't any Public Input.

Commissioner Pat Manis 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—Text Amendment Application Z-2024-043 (number corrected to Z-2024-56) to amend Title 11, the Millard County Subdivision Ordinance

Deputy County Attorney Denton Peterson went over the text amendment with the commission.

Commissioner Pat Manis made a MOTION to send a favorable recommendation to the BOCC to adopt Text Amendment Application Z-2024-56 and to designate the Millard County Planner as the person designated to review and approve the preliminary subdivision applications. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

10. PUBLIC HEARING – Text Amendment Application #Z-2024-059 to amend Title 10, Chapter 25 of, the Millard County Zoning Ordinance to comply with the new state requirements for Internal Accessory Dwelling Units.

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

There wasn't any Public Input.

Commissioner Pat Manis 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 - Text Amendment Application #Z-2024-059 to amend Title 10, Chapter 25 of, the Millard County Zoning Ordinance to comply with the new state requirements for Internal Accessory Dwelling Units.

Planner Adam discussed application Z-2024-059 with the commission.

Commissioner Phil Morrison made a MOTION to send a favorable recommendation to approve Text Amendment Application #Z-2024-059 to the BOCC. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

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

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

14. APPROVAL OF MINUTES – This item was moved to the next scheduled meeting.

15. ADJOURNMENT - Commissioner Pat Manis made a MOTION to adjourn at 7:33 pm. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

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

