

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
February 05, 2025**

**The Millard County Planning Commission met on Wednesday February 05, 2025,
at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.**

PRESENT: Erin Sorenson Planning Commission Chairman
John Nye..... Planning Vice Chairman
Phil Morrison..... Planning Commissioner
Pat Manis..... Planning Commissioner
Phil Diaz..... Planning Commissioner
Shane Church..... Planning Commissioner
DeMar Iverson Planning Commissioner

EXCUSED: Wayne Jackson Planning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood..... Secretary
Denton Peterson..... Deputy County Attorney
Bill Wright..... Millard County Commissioner
Vicki Lyman Millard County Commissioner
Chet Simper..... Distant Peak Eng
Lewis Dutson Millard County Chronicle Progress
Shellie Dutson..... Millard County Chronicle Progress
Matt Ward Millard County Chronicle Progress
Ryan Gee..... Sherwood Shores Resident
William D Gee..... Sherwood Shores Resident
Dave Greene Sherwood Shores Resident
Jeanine Greene Sherwood Shores Resident
Roger Killpack..... Sherwood Shores Resident
Bobbie Killpack Sherwood Shores Resident
Jack Kessler Sherwood Shores Resident
Jose Moya Moya Trucking
Gerry Dye Sherwood Shores Resident
Margo Dye Sherwood Shores Resident
Ann Ashby Sherwood Shores Resident
Rebecca Scott Sherwood Shores Resident

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|------------------------|--------------------------------|
| Jose Moya | Applicant |
| Graciela Moya..... | Applicant |
| Howard Scott | Sherwood Shores Property Owner |
| Darlene Scott | Sherwood Shores Property Owner |
| Sharalyn Clayton | Sherwood Shores Property Owner |
| Neil Clayton | Sherwood Shores Property Owner |
| Kelli Anderson..... | Sherwood Shores 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** Vice Chairman Erin Sorenson called the meeting to order at 6:31 pm. She welcomed all present.

Commission Chairman Joyce Barney’s term on the Planning Commission was up in January.

Commissioner Pat Manis made a MOTION to appoint Erin Sorenson as Chairman of the Millard County Planning Commission. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

Commissioner DeMar Iverson made a MOTION to appoint John Nye as Vice Chairman of the Millard County Planning Commission. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

- 2. PUBLIC INPUT** – There wasn’t any Public Input

- 3. REVIEW and POSSIBLE APPROVAL**—Application # Z-2024-061 for a Non-Plat Subdivision located approximately 2840 W 500 N Fillmore. David Fullmer, Applicant.

Applicant David Fullmer wasn’t in attendance.

Millard County Planner Adam Richins gave a description of the application.

Commissioner DeMar Iverson made a MOTION to approve application #Z-2024-061 based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating five new parcels.
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 zoning 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-2025-008 for a Non-Plat Subdivision located approximately 4300 W 7500 N Delta. Casey & Laura Shields, Applicants.

The applicants weren't in attendance.

Planner Adam Richins gave a description of the application.

There was discussion about the surrounding property

Commissioner Pat Manis made a MOTION to approve application #Z-2025-008 based on its conformance with the Millard County General Plan and meets the findings in code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating two new parcels.
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.

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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 zoning 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.

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5. REVIEW and POSSIBLE APPROVAL—Application # Z-2025-009 for a Non-Plat Subdivision located approximately 5000 W 7000 N Delta. Jesus & Carmen Maldonado, Applicants.

Chet Simper with Distant Peak Engineering approached the commission on behalf of the applicant and gave a description of the application.

Commissioner Shane Church asked for clarification of the process to split property in a Non-Plat Subdivision

There was discussion about water in the area. Chet Simper stated there is a well on the property and that the property owners have been provided with a well agreement.

Commissioner John Nye made a MOTION to approve application #Z-2025-009 based on its conformance to the Millard County General Plan and meets the findings in code 10.8.3. Commissioner DeMar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non-Plat Subdivision creating four parcels.

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.

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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.

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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 zoning 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)

6. PUBLIC HEARING for a Zone Change—Application #Z-2025-006 requesting a zone change from Range & Forest (RF) to Highway Commercial (HC) of 17.0 acres of property located at approximately 1717 S Utah Highway 161 (Cove Fort). Jose Luis Moya Sanchez, Applicant.

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

Jose Moya, son of applicant Jose Moya, approached the commission and gave a description of the application.

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

7. REVIEW and POSSIBLE RECOMMENDATION— Application #Z-2025-006 requesting a zone change from Range & Forest (RF) to Highway Commercial (HC) of 17.0 acres of property located at approximately 1717S Utah Highway 161 (Cove Fort).

There was discussion about the different colors on the map in the application.

Deputy County Attorney reminded the commission that when the zone change goes through, it isn't just for what is proposed in the application. It is also for all allowed uses in the new zone.

Commissioner Erin Sorenson went through the recommendations with the commission.

Commissioner DeMar Iverson made a MOTION to send a favorable recommendation of application Z-2025-006 to the BOCC based on its conformance with the Millard County General Plan and the findings in code 10.8.3. Commissioner Phil Morrison 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)

8. PUBLIC HEARING—Text Amendment Application #Z-2025-005 proposing to amend Millard County Code Title 10 Chapter 25 (The Table of Uses and Use Definitions) to change the following to Non-Permitted Uses within the Sherwood Shores Zoning District:

- a) Agricultural Building
- b) Agricultural Use
- c) Convenience Store
- d) Dwelling, Mobile home
- e) Educational Facility
- f) Residential Facility for Elderly Persons
- g) Residential Facility for Persons with a Disability
- h) Residential Facility for Persons with a Disability that are substance abuse facilities
- i) Seasonal Use
- j) Temporary Construction Office

k) Therapeutic School

l) Vehicle and Equipment Rental or Sale, New or Used

Sherwood Shores Property Owners Association Board, Applicant

Commissioner Phil Morrison recused himself from this agenda item.

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

Roger Killpack approached the commission and gave a description of the application.

Millard County Planner Adam Richins gave a history of the Sherwood Shores area.

There was discussion about the definition of seasonal use and agriculture buildings.

There was discussion about if Millard County was to not allow short-term rentals in the future, would the ones that are already in place be grandfathered in.

Commissioner Shane Church asked for clarification.

Rebecca Scott approached the commission and stated her concerns with the application. She is worried that by not allowing certain things in the area it will take opportunity from property owners.

Kelli Anderson approached the commission and stated that she feels as though the residents of Sherwood Shores don't want to disrupt the way of life in the area but also know that changes and growth are a part of life.

Adam Richins went over the process of making a change.

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

9. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application #Z-2025-005 proposing to amend Millard County Code Title 10 Chapter 25 (The Table of Uses and Use Definitions) to change allowable uses within the Sherwood Shores Zoning District.

Darren Smith stated that he believes the definitions are vague and would like more discussion.

Margo Dye approached the commission and stated that she would like more time as a resident of Sherwood Shores to discuss the application with the other residents before a decision is made.

Commissioner DeMar Iverson was excused at 7:58 PM.

Commissioner Pat Manis stated that he would like to table this application to give the residents of Sherwood Shores more time to discuss the application.

Roger Killpack stated that he would like to voluntarily withdraw the application at this point and time to give the residents more time to discuss the application in more detail.

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

Millard County Planner Adam Richins informed the commission of an upcoming training.

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

12. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held October 2, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner John Nye made a MOTION to approve the minutes from October 2, 2024. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held December 4, 2024 were presented for consideration and approval. Following review and minor corrections, Commissioner Pat Manis made a MOTION to approve the minutes from December 4, 2024. Commissioner Phil Diaz SECONDED the motion. Voting was unanimous in the affirmative.

13. ADJOURNMENT Commissioner Shane Church made a MOTION to adjourn at 8:39 pm.

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

