

MINUTES OF BOARD OF COUNTY COMMISSIONERS
MILLARD COUNTY THE 25th DAY OF MARCH 2014
AT THE COURTHOUSE, FILLMORE, UTAH

PRESENT: Alan M. Roper Chairperson
James I. Withers Commissioner
Daron P. Smith Commissioner

Richard Waddingham County Attorney
Norma Brunson County Clerk
Marki Rowley Deputy County Clerk

ALSO PRESENT: Sheryl Dekker Planning and Zoning
Dean Draper Chronicle Progress
Trenton Wilde USU Extension
Brandon Winget County Road Supervisor
Bruce Parker PDS
Laurel Eliason Deseret Heritage
Kelly Swallow, Maddie Deloach,
Melanie Spendlove & Kylie Spendlove Miss Millard
Kris Ewert, John & Merilou Heath, Peter C. Vander Meide, David Sturlin,
Joshua Tolley, Lynn Whitaker, Steve Maxfield, Scott Blackburn, J. Lovato,
Todd Macfarlane, John Pratt, Ben Pratt, Susan Henke, Susan Perkins
and Kenneth Sanderson Citizens

Note: The public hearing comments were summed up for the written minute. A recording of the meeting in its entirety is available for review at the County Clerk’s Office.

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED TO each member of the governing body, posted at the principal office of the Millard County Commission, posted on the Utah Public Notice 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:

PUBLIC WAS WELCOMED

The meeting began at 10:00 a.m. after a brief welcome by Commissioner Roper to the public and Commission members.

OPENING STATEMENTS

Commissioner Roper asked if anyone had an opening statement to give. Commissioner Smith read a quote from Jefferson the Democrat: “A wise and frugal government, which shall

restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned". Commissioner Withers said the invocation. Everyone stood and said the Pledge of Allegiance to the Flag.

APPROVAL OF MARCH 11, 2014 COMMISSION MINUTES

The proposed minutes of a regular County Commission meeting held March 11, 2014 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Smith made a motion to approve the minutes of March 11, 2014, as corrected.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

FOLLOW UP ACTION ITEMS FROM MARCH 11, 2014

There were none.

RATIFY THE MOTION TO ALLOW KEY BANK TO BE SUBSTITUTED FOR PARIBAS CO. TO HANDLE THE LETTER OF CREDIT ON THE MILFORD WIND PROJECT

Commissioner Smith made a motion to ratify the motion to allow Key Bank to be substituted for Paribas Co. to handle the Letter of Credit on the Milford Wind Project.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF RESOLUTION 14-03-25, A RESOLUTION TO CHANGE THE WEED DEPARTMENT SUPERVISOR JOB DESCRIPTION AND TO AMEND THE MILLARD COUNTY PAY PLAN

Commissioner Withers said that there has been a few changes in the responsibility for the County Weed Supervisor. He explained some of the changes and said due to the extra responsibilities the County Weed Supervisor position will be moved from a grade 9 to a grade 13 on the part-time pay plan.

Commissioner Withers made a motion to approve Resolution 14-03-25, a resolution to change the Weed Department Supervisor job description and to amend the Millard County Pay Plan.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Withers voted YES. Commissioner Smith voted YES. Commissioner Roper voted YES. The voting was unanimous and the motion carried.

DISCUSSION AND POSSIBLE APPROVAL OF THE COUNTY WEED BOARD STORAGE FACILITIES

Commissioner Withers said that the weed storage facility has not changed since the last commission meeting's discussion. The Weed Department will be sharing a lot which is adjacent to the East Millard Posse Building for the summer. The property is fenced in and there is plenty of room for storage on that lot.

He said that there is ongoing discussion with the Weed Board, who will make the decision to pursue the possibility of constructing a building in the future. It will be up to the Weed Board to determine where that facility will be located.

DISCUSSION AND POSSIBLE APPROVAL OF A COOPERATIVE AGREEMENT BETWEEN MILLARD COUNTY AND UTAH STATE UNIVERSITY (USU) - TRENT WILDE

Trent Wilde, USU Extension Supervisor, presented the annual contract with Utah State University. He said that this is a yearly contract that is brought before the Commission for approval. He said that there were a few changes; namely, the budget, as well as small language changes.

He said that there is a state, federal and local part of the contract. He explained that his position is administered by the University and all other employees are administered by the County.

Commissioner Smith said that it is USU's program and the County hires employees that the director oversees.

Commissioner Roper expressed his appreciation to the program and what it does for the County Youth.

Commissioner Smith made a motion to approve the standard cooperative agreement between Millard County and USU for extension education work for 2014 in Millard County. Also, to give the commission chairperson the approval to sign the contract pending the review of the County Attorney. ****need copy****

Commissioner Withers **SECONDED** the motion. The voting was unanimous and the motion carried.

REPORT BY MISS MILLARD ROYALTY

Maddie Deloach, Miss Millard Outstanding Teen, reported on what she and the other royalty have done since being crowned. She said that they all attended the County Fair and were in several parades. Miss Deloach had the opportunity to compete in Miss Utah Outstanding Teen, where she ended up in the top ten. She said that it was a great opportunity and she made several friendships that she otherwise would not have made.

Miss Deloach said that she has had tons of support from the County. She thanked the County and the Miss Millard program for helping her get the title "Miss Teen Utah International". She also thanked the County for bringing back the Miss Millard Program. She said that it has helped her to financially prepare for College. The commissioners thanked Miss Deloach for representing the County so well.

Kylie Spendlove's favorite things while being Little Miss has been getting to know the other royalty girls. She liked doing the fair, dunking her dad in the dunk a cop booth, riding a monster truck at the fair and being able to help with the arts and crafts. She also helped Sierra Blad, Miss

Millard, do a tree for the festival of trees.

Miss Spendlove's mom said that they put her in the pageant because she is shy but when she is on stage all of that shyness goes away. She has been able to perform a few times and it has helped her overcome her shyness for the most part.

Commissioner Roper thanked the Miss Royalty, as well as Kelly Swallow, Miss Millard Program Director, for all the hard work she has put forth in making the program a success. He said that he felt that having the Royalty attend the fair really helped make the fair.

Ms. Swallow said that the 2014 Miss Millard Pageant is scheduled for July 19, 2014 at the Delta High School. She said that depending on how many girls apply they may do an afternoon Miss Teen Pageant and an evening Miss Millard Pageant. The Jr. Miss and Little Miss pageants will be held on the first day of the County Fair.

Ms. Swallow said that currently the Miss Millard float is being stored at her home so that she can redo it, but she asked where it would be stored once she is finished redoing it. The commissioners assured Ms. Swallow that they would find a place to store it when that time comes.

Ms. Swallow said that she and Miss Blad are going to a workshop to help Miss Blad get ready for the Miss Utah Pageant. Miss Utah will be held the week of June 15 through June 21.

Commissioner Roper said that it is a great opportunity for Millard County to be involved in the Miss Millard Program.

MAGNUM GAS STORAGE CONSTRUCTION AND PROGRESS UPDATE - TIFFANY JAMES

This agenda item was tabled.

OTHER BUSINESS

A disclosure statement was submitted from Alan M. Roper.

Commissioner Withers received a letter from the Utah Department of Transportation regarding a meeting that will be held in Millard County on Tuesday, April 8, 2014. The meeting is an annual meeting that they hold to update the County on what the projects are around the County so that the County can coordinate with them for future plans.

Commissioner Withers presented an invoice in the amount of \$1,000.00 from the America Land Council. The County joined the group a year ago.

Commissioner Withers made a motion to approve the invoice for \$1,000 to the American Land Council.

Commissioner Smith **SECONDED** the motion. The voting was unanimous and the motion carried.

Commissioner Withers reported on the County surplus sale, which was held last Saturday. He said that all departments brought items that they were no longer using to the indoor arena in Fillmore. The auction was very successful and brought in approximately \$18,000 in gross sales.

He thanked the Auditor's Office for setting it up and working all day Saturday to make sure

that the auction was taken care of. He said that Auditor Grace expressed her appreciation to the maintenance crew, the jail crew and the citizens who all helped make the auction a success. He said that hopefully those citizens whose purchased items will benefit from them.

DISCUSSIONS FROM EACH COMMISSIONER, COUNTY ATTORNEY, ELECTED OFFICIAL AND SECRETARY

Commissioner Roper said that he has a Utah Association of Counties (UAC) meeting April 4, 2014, which will be held in Millard County at 12:30 p.m.. Commissioner Smith said that this is an annual meeting for the UAC Executive Officers to come meet with any elected official. The meeting usually is held in commission chambers. This meeting has since been canceled.

POSSIBLE REVIEW OF COUNTY POLICIES AND CONTRACTS

Commissioner Smith said that they are working on the procurement policy. They are just waiting for Johnnie Miller to get back to them.

Bruce Parker, County Planning Consultant, said that the Salt Lake Chamber of Commerce & the Governor's Office of Energy Development is putting together a two day field trip in Millard County and Beaver County April 15 and 16. He said that April 15, 2014 is the more important day for Millard County. The Commissioners will try to clear their afternoon schedule to be able to attend. Linda Gillmor, Millard County Economic Development Director, will be present if the commissioners are unable to attend.

POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-204 & 205

There was none.

Commissioner Withers made a motion to take a short recess until 11:00 a.m..

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The meeting recessed at 10:43 a.m..

Commissioner Smith made a motion to reconvene the meeting.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried. The meeting reconvened at 11:01 a.m..

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY CODE - TITLE, 10, ZONING REGULATIONS. THESE AMENDMENTS ARE BEING PROPOSED TO PROVIDE FOR CORRECTION ERRORS AND OVERSIGHTS IN THE EXISTING ORDINANCE THAT WAS ADOPTED IN DECEMBER, 2012 WITH AN EFFECTIVE DATE OF JANUARY 1, 2013 - SPECIFICALLY TO CORRECT CODIFICATION ERRORS. MILLARD COUNTY - APPLICANT. APPLICATION #Z-2014-002

Commissioner Withers made a motion to enter into the public hearing to receive public comment on proposed amendments to the Millard County Code - Title, 10, Zoning Regulations. These amendments are being proposed to provide for correction errors and oversights in the existing ordinance that was adopted in December, 2012 with an effective date of January 1, 2013- specifically to correct codification errors. Millard County - applicant. Application #Z-2014-002.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Present were: Sheryl Dekker, Kris Ewert, John & Merilou Heath, Bruce Parker, Dean Draper, Peter C. Vander Meide, Brandon Winget, David Sturlin, Joshua Tolley, Lynn Whitaker, Steve Maxfield, Scott Blackburn, J. Lovato, Todd Macfarlane, Jon Pratt, Ben Pratt, Susan Henke, Susan Perkins, Kenneth Sanderson and Laurel Eliason.

Commissioner Roper called the public hearing to order at 11:02 a.m.

Bruce Parker, County Planning Consultant, said that Millard County adopted a completely revised zoning ordinance on December 4, 2012. The revised ordinance took effect on January 1, 2013. Following its adoption by the Millard County Board of Commissioners the document was submitted to Sterling Codifiers, who is responsible to codify all of the Millard County ordinances in the County Code and works closely with the County Attorney and County Planner. Sheryl Dekker, County Planner, clarified that what Mr. Parker is referring to is regarding Title 10 only, not the subdivision ordinance.

Mr. Parker said that the County receives a number of requests for transmission projects on a regular basis. He named a few that the County is currently working with.

He said that the County has always been careful to make sure that there is appropriate siting and review of the major transmission lines as they cross the county. He said that the Planning and Zoning Commission recommended creating a transmission corridor zone to be consistent with the general plan on those types of structures.

Mr. Parker discussed some of the ways that the Planning Commission came to its recommendation. He said that it is appropriate for the County to hold a public hearing but at this point they recommend that no changes are necessary to be made to Title 10 as far as to transmission corridors right now.

Commissioner Smith said that he remembers the process and gave examples of some projects already in place. He said there are some projects that are compatible. He said that by doing it this way, without creating a zone, the Planning Commission would be able to look at the projects and determine if the project would or would not interfere with the corridor, to better determine their recommendation. He said that the language is in the table, but just not in the body of the ordinance at this point.

Commissioner Smith said that he received a letter from Merilou Heath which will be reviewed later and will be taken into consideration.

Steve Maxfield commented that he understands the purpose of the transmission lines and what the County is trying to do. He said that he was concerned with hearing that it would be easier

not to notify the public, from Mr. Parker. He said that he feels that the public is not notified enough, as it is. He also said that he would feel comfortable with a process to adopt and put in a corridor and to go through the process correctly instead of as a side note.

He also said that he spoke with Attorney Waddingham when he was first running as County Attorney and was told that if there is a law on the books and it does not make sense to get rid of it. He said that he has read this document and feels that it has changed historically, since then. He said that the change was, that he had a right to his property unless it is prohibited, now he feels that he has no right to his property unless given the right by the County. He asked that the County make the process as public as possible and follow the procedures to change the zoning.

Todd Macfarlane emailed a written copy of his comments to the commission and submitted a copy for the minutes. *See attachment #1.*

Mr. Macfarlane went over his comments with the Commission. He said that there are a lot of problems in the ordinance that not everyone really understands. He said that he thinks that redoing the ordinance correctly would be to undertake the effort that is necessary to get to the bottom of it and he does not feel that the County can rely on Mr. Parker to do that. He said that there needs to be genuine accountability in this process and he does not think that currently exists.

Mr. Macfarlane said that he feels that this ordinance deprives Millard County property owners of its private property rights. He read a section from the ordinance. He expressed how he interprets the language of the ordinance. He encouraged the Commission to read, study and understand the ordinance. He felt if they were to do that, they would come to the same conclusion as his.

Mr. Parker said that this is not a new regulation, in any way, or requirement that the County put in place. He said in 2006 the County and the BLM had a meeting where they identified and designated the corridor, to protect the property rights and agricultural amenities of the county. He said that all the large projects are subject to a conditional use permit (CUP) and require a public hearing. He said the more people who participate the better the final decision will be.

Mr. Parker said that the Planning Commission has come together at least once a month to advance and protect the public safety of the county. He said that they will continue to monitor, update and manage the latest ordinance of the county. Fundamentally, as established by the State of Utah, they have the obligation to protect the welfare of the citizens. He said as far as transmission corridors, the County has a long and rich history of making sure it allows transmission corridors in an appropriate location to protect the health, safety and welfare of the County and the County has worked cooperatively with the proper agencies to ensure that is the case.

Steve Maxfield asked for a point of order so that this meeting does not get out of hand. He asked the public as well as, the commission to be respectful and not interject while people are sharing their comments.

Peter C. Vander Meide read his comments that he submitted as part of the minutes. *See attachment #2.*

Commissioner Roper asked for a motion to go out of public hearing. Mr. Macfarlane said that the people have the right to share their comments and he asked that the Commission allow them to speak.

Josh Tolley said that he agrees with Mr. Macfarlane that the public has the right to be able to finish their comments. He said that if there is a rule on how long a person is allowed to speak during public hearing that should be shared with the public. Commissioner Roper said that everyone will have a chance to speak.

There were no other comments made.

Commissioner Withers made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:38 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 14-03-25, AN ORDINANCE ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY CODE - TITLE 10, ZONING REGULATIONS

Commissioner Smith made a motion to strike the adoption of Ordinance 14-03-25, an ordinance on proposed amendments to the Millard County Code - Title 10, Zoning Regulations from the agenda.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON A ZONING MAP AMENDMENT - THE APPLICATION IS FOR 18.98 ACRES LOCATED AT 1365 NORTH HWY. 6, DELTA GRID. THE AMENDMENT IS TO INCLUDE THE EXISTING 10.888 WHICH IS CURRENTLY ZONED HC (HIGHWAY COMMERCIAL) TO AI (AGRICULTURE INDUSTRIAL) WHICH IS THE ZONING FOR THE REMAINING 8.096 ACRES. DELTA GARBAGE SERVICE/ CHUCK HUGHES & MINNIE HUGHES - APPLICANT. #Z-2014-004

Commissioner Smith made a motion to enter into the public hearing to receive public comment on a zoning map amendment - the application is for 18.98 acres located at 1365 north Hwy. 6, Delta grid. The amendment is to include the existing 10.888 acres which is currently zoned HC (highway commercial) to AI (agriculture industrial) which is the zoning for the remaining 8.096 acres. Delta Garbage Service/ Chuck Hughes & Minnie Hughes - applicant. #Z-2014-004.

Commissioner Withers SECONDED the motion. The voting was unanimous and the motion carried.

Present were: Sheryl Dekker, Kris Ewert, John & Merilou Heath, Bruce Parker, Dean Draper, Peter C. Vander Meide, Brandon Winget, David Sturlin, Joshua Tolley, Lynn Whitaker, Steve

Maxfield, Scott Blackburn, J. Lovato, Todd Macfarlane, Jon Pratt, Ben Pratt, Susan Henke, Susan Perkins, Kenneth Sanderson and Laurel Eliason.

Commissioner Roper called the public hearing to order at 11:39 a.m.

Steve Maxfield said that he moves that the County approve the ordinance, but some of the minor revisions need not be so specific to do it. He gave examples of what he does for employment and said that under the current zoning he is considered as Heavy Industrial (HI). He said that the only HI is IPP and a little place out by Lynndyl, Utah. He said that if the County has an ordinance it needs to take out the arbitrary decision making. He thinks that they should approve the change but reduce it on the minor things that do not affect all areas.

Kris Ewert said that she and her family moved to Millard County approximately a year and a half ago for the beauty of free agency and the wonder of community. She said that she does not understand this particular part of the public hearing and asked for a brief explanation.

Commissioner Withers explained that just north of Delta there is a building that used to be a cheese plant which went out of business a few years ago. There is a company who wants to purchase that building to have a welding shop on site to build roll off dumpsters. In order to accommodate that business the zoning would need to change.

Mr. Tolley said he has no specific objections to this particular change, but questioned the reasoning for changing the zone for this item. He said that he does not see any particular danger to the public to prompt a zone change. He suggested that the zoning designations be visited as liberal as possible for what is, or is not allowed on the properties.

There were no other comments made.

Commissioner Withers made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 11:45 a.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 14-03-25A, AN ORDINANCE ON PROPOSED AMENDMENTS TO THE MILLARD COUNTY ZONING MAP HC (HIGHWAY COMMERCIAL) TO AI (AGRICULTURE INDUSTRIAL). DELTA GARBAGE SERVICE/CHUCK HUGHES & MINNIE HUGHES - APPLICANT. APPLICATION #Z-2014-004

Commissioner Withers made a motion to adopt Ordinance 14-03-25A, an ordinance on proposed amendments to the Millard County Zoning Map HC to AI. Delta Garbage Service/Chuck Hughes & Minnie Hughes - Applicant. Application #Z-2014-004.

Commissioner Smith SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Withers voted YES. Commissioner Roper voted YES. The voting was unanimous and the motion carried.

PUBLIC HEARING FOR THE PURPOSE OF RECEIVING PUBLIC COMMENT ON PROPOSED TEMPORARY AMENDMENTS TO THE MILLARD COUNTY PLAT SUBDIVISION ORDINANCE - TITLE 11, SPECIFICALLY AFFECTING THE REQUIREMENT FOR A HOME OWNERS ASSOCIATION, REQUIRED IMPROVEMENTS (PAVED ROADS), GUARANTEE AND BONDING REQUIREMENTS AND OTHER AMENDMENTS. MILLARD COUNTY - APPLICANT. APPLICATION #Z-2014-007

Commissioner Withers made a motion to enter into the public hearing to receive public comment on proposed temporary amendments to the Millard County Plat Subdivision Ordinance - Title 11, specifically affecting the requirement for a home owners association, required improvements (paved roads), guarantee and bonding requirements and other amendments. Millard County - applicant. Application #Z-2014-007.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried.

Present were: Sheryl Dekker, Kris Ewert, John & Merilou Heath, Bruce Parker, Dean Draper, Peter C. Vander Meide, Brandon Winget, David Sturlin, Joshua Tolley, Lynn Whitaker, Steve Maxfield, Scott Blackburn, J. Lovato, Todd Macfarlane, Jon Pratt, Ben Pratt, Susan Henke, Susan Perkins, Kenneth Sanderson and Laurel Eliason.

Commissioner Roper called the public hearing to order at 11:46 a.m.

Bruce Parker explained that they started a complete update of the existing subdivision ordinances in 2013. They recognized that there needed to be some changes to make it more efficient and more effective to advance the interests of the county. He said that the Planning Commission has held several public hearings and has been working very hard on this issue. During this process they were made aware of the application for the Deseret Heritage Association Subdivision who also participated in the public hearings.

Mr Parker said that the materials that are being recommended by the Planning Commission have been provided to the Commission. He explained that they will continue to make changes as they move on. He said in responding to the Deseret Heritage Association Subdivision application they felt it was appropriate to carve out some of the provisions and look deliberately at the provisions that may be negatively impacting the Association from moving forward.

He said that in regards to the issue of home owners association the current ordinance states that a home owners association is required. After discussion it was decided to change the language from "shall" to "may" making it the discretion of the developer or applicant.

He said that the other issue discussed was bonding. In the present ordinance there is a requirement that for all public improvements they be bonded. They discussed two options: one option was after securing preliminary plat approval post a bond of (10%) to proceed to build the subdivision and install the improvements. However, the County will not record the final plat or allow or issue building permits until all improvements are completed.

The other option would be to bond (125%) for the improvements. The County will record the final plat so the applicant could start improvements. The applicant would be refunded the bonding amount when improvements are complete. He said that the Planning and Zoning

Commission's recommendation is consistent with the state law provisions.

Mr. Parker discussed the requirement for adequacy of water, sewer and fire protection. He also went over the requirements of paved roads and when and why it is required. The Planning and Zoning's recommendation for roads is to have them built to the standards of the County, whatever they may be.

Mr. Macfarlane asked how the public, who would like to comment on public hearing issues, be informed of what is being proposed. Ms. Dekker said that the County posts the information on the County's website www.millardcounty.org as well as on the public meeting notice website <http://www.utah.gov/pmn/index.html> and copies are also available for review at both the Delta Satellite Offices and the Millard County Courthouse in Fillmore.

Mr. Macfarlane commended the County for trying to take action on the Deseret Heritage Association so it can move forward, and suggested that the County work hard to avoid this same situation in the future.

Mr. Macfarlane said that his written comments include both general comments regarding the overall land use ordinance and the specific subdivision ordinance. He gave examples of comments and recommendations made by Tom Avant from Kane County and recommended that the County consider what Mr. Avant said.

Commissioner Roper said that he thinks that they have taken all recommendations and comments in consideration and are working on making the ordinance better.

Mr. Macfarlane said that he constantly hears "the state law requires this and that", but he feels that it is often misrepresented especially with land use. He suggested that the County operate under state law until everything gets straightened out with the ordinance.

John Pratt commented on portions of the temporary amendments. He said on page 2, line F, he can appreciate providing fast fire and ambulance services but does not understand why that should be part of the County's plan to push people over to towns. He also commented on page 6, regarding subdivisions. He said that it is concerning to him that if he wants to sell off a piece of his land for building, his land would then be considered as a subdivision. He also said that page 7, line B, is a very broad brush which is saying that it falls back in under everything else. He gave an example of years ago when his father was trying to build a home and his trouble of getting a building permit.

Mr. Tolley suggested that language stating that you can or cannot do something be taken out of the ordinance. He gave example of when he was over a home owners association and the differences in suburban areas versus rural areas. He also commended the commission for their efforts concerning the Deseret Heritage Association.

Susan Henke said that she agrees with all of the comments made so far regarding infringing on the personal property of the citizens. She said that if you live in a suburban area there should be rules and regulations but she lives in a rural area and feels that she should be able to do what she wants with her own property.

David Sturlin thanked everyone for the local recognition of having Eskdale and Garrison in the paper.

He commended the County Planner from the standpoint of versatility. He said that there has been several requests for subdivisions come before the Planning Commission in the past little while. He said that the versatility offered is whether the current or revised ordinance fit the project better. He said that it is not the desire of the Planning Commission to limit what people can do on their property. He said there is a difference between administrative and legislative. He explained that administratively they have to do what is on the books right now, legislatively they are allowed to go through the process to make changes.

Mr. Sturlin said that it is appreciated when citizens come and be part of the working session and share their constructive criticism. He said that he is in favor of this temporary change and welcomes comment as they proceed to move ahead, because we are stronger together than apart.

Ms. Ewert said based on what she has heard today, and in the paper, she is concerned with some of the things read earlier. She said personally she feels that when you get into any kind of legislative or managing situations it is really tricky. She said that when there is written word, that is what is enforced. She feels that simplification makes more sense and she agrees with scrapping the document and starting over.

Mr. Macfarlane said that his understanding is, that if someone applies under the old ordinance, there are two options they can choose from, but if someone makes a new application they only have one option.

Mr. Parker said that the amendments being proposed will only affect the plat subdivision. Applicants still have options of doing smaller subdivisions, of ten lots or less, and will not be disturbed. People can still decide what size of subdivisions they may want and to determine which way is the best to proceed. Attorney Waddingham said that the old ordinance still applies except for the amendments.

Mr. Parker said that they have an opportunity to engage with a number of people in the County and he would be interested in setting up a mailing list to make sure that there is seamless and timely communication with those interested in being included in the discussions.

Mr. Parker said in response to the comment made about pushing people into the cities, they have not disturbed that, which is a provision that has been in place since 2005.

John Pratt said that just because it was done does not mean it is right.

There were no other comments made.

Commissioner Withers made a motion to go out of the public hearing.

Commissioner Smith SECONDED the motion. The voting was unanimous and the motion carried. The public hearing closed at approximately 12:20 p.m..

The regular meeting reconvened.

REVIEW AND POSSIBLE ADOPTION OF ORDINANCE 14-03-25B, AN ORDINANCE ON PROPOSED TEMPORARY AMENDMENTS TO THE MILLARD COUNTY PLAT SUBDIVISION ORDINANCE. MILLARD COUNTY - APPLICANT. APPLICATION #Z-2014-007

Mr. Parker said following the public comments today he recommended some language changes be made including, changing “shall” to “may” on page 13, page 14 and page 21.

Attorney Waddingham said on page 21 he understood that the Planning Commission does not have to require all of them. They will consider them all, but not necessarily require them all.

Dean Draper asked if he had an identical Hinckley Heritage in a mirror image could he apply under the same laws to put in his development. Commissioner Smith responded, yes, anyone could. Ms. Dekker clarified, as long as the temporary ordinance is in place.

Commissioner Smith said that the County will consider the comments made today and will continue to work on the process.

Commissioner Smith made a motion to adopt Ordinance 14-03-25B, an ordinance on proposed temporary amendments to the Millard County Plat Subdivision Ordinance. Millard County - Applicant. Application #Z-2014-007, with the suggestions made by Mr. Parker, and based on a positive recommendation of the Planning Commission and the findings and facts.

Commissioner Withers SECONDED the motion. Clerk Brunson called for a roll call vote. Commissioner Smith voted YES. Commissioner Withers voted YES. Commissioner Roper voted YES. The voting was unanimous and the motion carried.

PUBLIC INPUT

Lynn Whitaker said that he is concerned with the philosophy going on behind this issue. He said that he cannot believe that the commission passed something that could be so damning to personal property rights, without understanding the constitution principals. He challenged the commission to go over the communist manifesto and compare it to the document at hand to see how many things line up that are geared to take away the rights and freedoms.

Ms. Ewert said that if the document is temporary she would suggest trashing it.

Commissioner Roper said that the County is trying to get the document right and he appreciates the public monitoring it.

Mr. Tolley said that he is a software person by profession, and he gave examples of how things may or may not work in the software industry which may or may not be similar to legislation. He said that he has no doubt that the efforts of the County is trying to work to the better of the County, but he thinks that they are going at it in the wrong way.

Ben Pratt said that he has read enough of the ordinance to know that it is not practical. He too suggested to scrap the ordinance and make something more practical for everyone to understand.

Steve Maxfield said that the citizens want a fundamental right to the plan of happiness. He said that just because the County has always done something does not mean it is right. He said that the best thing for government would be to stop trying to fix everything.

Susie Perkins said that she feels that this document over reaches its boundaries. She said that if it does not affect the health, wellness or the safety of the citizens, or it does not infringe on the rights of the neighbors it should not be included in the document. She said that there are things that need to be addressed but for the most part they need to get along as neighbors and not require the government to solve all their problems, which is not the governments job. She asked the Commission not to proceed with a document with such extreme infringements on what the citizens can do with their property. She asked that the commission proceed carefully as it proceeds with this document.

Ms. Ewert questioned how the public would be notified of meetings. Ms. Dekker explained that the public meetings are posted on the Millard County Website as well as the State's Public Meeting Notice website and when required it will be published in the paper. Mr. Draper explained where public notices are found, if published in the paper.

Mr. Whitaker asked if the citizens want a king to govern the people or do they want to be free men to use their property rights as they choose. He suggested that the County refer to the scriptures.

Commissioner Roper said that the County appreciates everyone coming in and he considers everyone in the room a friend. He said that accountability is what it is about. He said that the commissioners represent 13,000 citizens in the County and want to be fair. He said that the commissioners have heard a lot of voices today and will take everything into consideration. The County will do the best it can. He expressed his appreciation towards all who made comment today and welcomed everyone to attend future commission meetings.

Mr. Pratt said truth is truth, it cannot be voted out or changed. The plan needs to be based on truth, which is solid and simple and will not change.

Commissioner Withers said that he too appreciates the attendance today, as well as the input. He said that the commissioners do not think that they know everything and he hopes that it does not come across that way. He said that all comments made today will be taken into consideration and he looks forward to making a document that will protect our citizens.

He said that there are protections that come from certain zoning laws. He gave an example of a company whose plan was to first come in across the river, but due to the corridor in place it protected the County from a potential disaster. He said that he looks forward to future input as they move forward.

Commissioner Smith said that this process started because the County donated some property

to a community who wanted to have a park and clean up a part of its community. The County started off thinking it was a good thing. The County encouraged them the whole time and then all of a sudden they were limited by the ordinance because the Association wanted a project larger in scope than the 10 lots or less allowed in the current ordinance. They all learned that the ordinance did not allow that to be fair for everyone, prompting the process.

Commissioner Smith said that he has appreciated the process, the Planning and Zoning's time and the community involvement and comments. He said that the County does try to take things in pieces and will try to make a better ordinance.

WHERE UPON THE MEETING ADJOURNED

Commissioner Withers made a motion to adjourn the meeting.

Commissioner Smith SECONDED the motion. The voting was unanimous and the meeting adjourned at 12:55 p.m..

Attest: _____

Approved: _____