

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
May 7, 2014**

The Millard County Planning Commission met on Wednesday May 7, 2014 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Molly Stevens ..... Planning Commissioner  
Joyce Barney ..... Planning Commissioner  
Gordon Chatland ..... Planning Commission Chairman  
Gary Walker ..... Planning Commissioner  
Greg Greathouse ..... Planning Commissioner  
David Sturlin ..... Planning Commission Vice Chairman  
Brent Blake ..... Planning Commissioner

**EXCUSED:**

**ALSO PRESENT:**

Richard Waddingham ..... Millard County Attorney  
Sheryl Dekker ..... Planning & Zoning Administrator  
Daron Smith ..... Millard County Commissioner  
Amber Nickle ..... Secretary  
Angi Meinhardt ..... Secretary  
Matt Eliason ..... Deseret Heritage Association  
Norman Henke ..... Deseret Heritage Association

**1. Welcome, Call to Order**

Chairman Gordon Chatland called the meeting to order at 7:01 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – April 2, 2014**

The proposed minutes of the regular Planning Commission meeting held April 2, 2014 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes for April 2, 2014 as corrected. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW and POSSIBLE RECOMMENDATION on MAJOR  
SUBDIVISION APPLICATION # Z-2014-014 for Deseret Heritage Park**

Subdivision located at 3500 W 4500 S (old Millard County Fairgrounds) – Delta Grid. Deseret Heritage Association – Owner.

Planning administrator Sheryl Dekker stated that this is a new application under the new temporary Title 11 subdivision ordinance.

Planning Commissioner Joyce Barney asked if the notice of disclaimer is the same thing as the plat notes. She asked if the streets are private or public and, if they are private, then there needs to be a disclaimer that states they are private.

Attorney Waddingham stated that it would not be hard to change the wording to specify if they are public or private.

Planning Commissioner Gary Walker stated that it is his understanding that the county would not pave the roads. But if they are paved the county will maintain the roads.

There was more discussion about the roads and whether or not the county or the individuals in the subdivision would maintain the roads. There was some discussion about the width of the easements for the roads in and around the subdivision. Attorney Waddingham stated that the roads will be built to county standards because Millard County Road Department will be constructing the roads as part of an agreement between the community of Deseret and the county when the old fairground property was deeded to Deseret.

Planning Commissioner Gary Walker asked if the county is constructing the roads, then why does it matter if they are paved or gravel.

County Commissioner Daron Smith stated that the roads do not have to be paved to be accepted by the county. He also reiterated that the county would never pave the road or pay for them to be paved at tax payers' expense.

County Attorney Richard Waddingham read from the temporary ordinance that was adopted on March 25, 2014 Ordinance # 14-03-25B, "11-4-3: STREETS AND ROADS:

1. Compliance with County General Plan and Standards: The street and road layout shall conform to the county general plan and official county roads map. All public streets and roads shall be designed and constructed to county standards.
2. All streets or roads not constructed to county standards shall be deemed and identified as private streets and roads. The county shall not accept for dedication any streets or roads not constructed to county standards or any private streets or roads. No Final Plat shall be approved by the Board of County Commissioners, and no Final Plat shall be recorded, containing any roads or streets not constructed to county standards, or any private roads or streets, unless the Final Plat includes a note as follows: *"Millard County does not now and will not accept for dedication any roads or streets not constructed to county standards, or any private roads or streets, and does not now and will not maintain any such roads or streets unless and until such roads and streets are constructed to*

*county standards and accepted for dedication by the Millard County Board of County Commissioners.”*

Planning Commissioner Greg Greathouse stated that it should be recorded on the final plat map along with the other plat notes the conditions about the roads.

There was some discussion about how to include the wording for road construction and maintenance.

Planning Commissioner Molly Stevens stated that on lot 7 there is only a 49-foot frontage and asked if that is sufficient to obtain a building permit? There was some discussion about whether a 49-foot frontage is enough for the buyer to be able to obtain a building permit.

The planning commission looked in the ordinance to see if it specifies what the frontage requirement is to build a house. Planning Commissioner Greg Greathouse said that the ordinance states that the minimum lot width is 150 ft. But does not specify the minimum frontage required.

Planning Commissioner Greg Greathouse pointed out that the development standards for construction of a home are outlined in the *County Ordinance*, and stated there are some lots in the subdivision that may not meet the requirements.

Millard County Attorney Richard Waddingham read the requirements for the setback requirements for building in each lot in a subdivision.

Planning Commissioner Greg Greathouse made a MOTION to make a favorable recommendation to the County Commissioners for the application # Z-2014-014 with the condition that the County will not pay for a paved road, and that it will be recorded on the plat maps with the plat notes. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

#### **4. DISCUSSION** –Title 11 Subdivision Ordinance. Chapter 8 Minor Subdivisions Applications

Commissioner Greathouse stated that he feels the term “minor subdivision” is confusing because it has been associated with non-plat subdivisions in previous versions of the ordinance. It was suggested that the title for chapter 8 should be named Minor Agricultural Subdivisions.

Chairman Chatland stated that it would be beneficial to see what the wording in the State Code is to compare to this “draft” of Millard County’s new ordinance relating to minor subdivisions. \*See below for review at June meeting:

**17-27a-605**

(4) (a) As used in this Subsection (4):

- (i) "Divided land" means land that:
  - (A) is described as the land to be divided in a notice under Subsection (4)(b)(ii); and
  - (B) has been divided by a minor subdivision.
- (ii) "Land to be divided" means land that is proposed to be divided by a minor subdivision.
- (iii) "Minor subdivision" means a division of at least 100 contiguous acres of agricultural land in a county of the third, fourth, fifth, or sixth class to create one new lot that, after the division, is separate from the remainder of the original 100 or more contiguous acres of agricultural land.
- (iv) "Minor subdivision lot" means a lot created by a minor subdivision.
- (b) Notwithstanding Sections **17-27a-603** and **17-27a-604**, an owner of at least 100 contiguous acres of agricultural land may make a minor subdivision by submitting for recording in the office of the recorder of the county in which the land to be divided is located:
  - (i) a recordable deed containing the legal description of the minor subdivision lot; and
  - (ii) a notice:
    - (A) indicating that the owner of the land to be divided is making a minor subdivision;
    - (B) referring specifically to this section as the authority for making the minor subdivision; and
    - (C) containing the legal description of:
      - (I) the land to be divided; and
      - (II) the minor subdivision lot.
  - (c) A minor subdivision lot:
    - (i) may not be less than one acre in size;
    - (ii) may not be within 1,000 feet of another minor subdivision lot; and
    - (iii) is not subject to the subdivision ordinance of the county in which the minor subdivision lot is located.
  - (d) Land to be divided by a minor subdivision may not include divided land.
  - (e) A county:
    - (i) may not deny a building permit to an owner of a minor subdivision lot based on:
      - (A) the lot's status as a minor subdivision lot; or
      - (B) the absence of standards described in Subsection (4)(e)(ii); and
    - (ii) may, in connection with the issuance of a building permit, subject a minor subdivision lot to reasonable health, safety, and access standards that the county has established and made public.

There was some discussion on the frontage requirements for building in the county on property divided under the minor subdivision ordinance. The Lot width must be 150 feet but not the Lot frontage.

Consensus was that the footnotes are redundant and may be unnecessary.

**5. REVIEW of EXISTING ORDINANCES - 10-9-4: Prohibited Signs and 10-13-2: Required Notice to Consider General Plan Adoption and General Plan Amendment Applications**

Chairman Gordon Chatland state he thinks the verbiage: "all other signs are hereby declared to be prohibited" on the 2<sup>nd</sup> and 3<sup>rd</sup> lines was too restrictive.

It was the consensus of the Planning Commission that:

Item A should be kept as it relates to billboard signs.

Item B should read "All on premises signs larger then sixty-four (64) square feet unless otherwise approved by the Planning Commission".

Items C, D, E, F, G and H should be deleted as they are too confusing without going back to the previous chapter of Exempt signs.

The conclusion of the discussion of the board was to keep line A, I, And K to be kept the same, and take the remaining restrictions out.

**6. PLANNING AND ZONING ADMINISTRATOR'S REPORT**

There was nothing to report.

**7. OTHER BUSINESS**

There was no other business.

**8. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-204 & 205**

There was no closed meeting.

**9. ADJOURNMENT**

Planning Commissioner Gary Walker made a MOTION to adjourn. Commissioner Brent Blake SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 8:47p.m.

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Gordon Chatland Chairman  
Millard County Planning Commission