



# DELTA CITY PLANNING & ZONING COMMISSION MEETING

Wednesday, August 09, 2023 at 7:00 PM

Delta City Municipal Complex Council Chambers\*

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## AGENDA

### CALL TO ORDER

### MINUTES APPROVAL

1. Meeting Minutes Approval: Planning & Zoning Commission Meeting 2023-07-12

**BUSINESS** – Any such business as may come before the Commission.

2. Jose A Marquez, Preliminary Plat approval  
Action: Discussion/Consideration for approval
3. Jake Nielson, Structure remodeling  
Action: Discussion only

### ADJOURN

**NOTICE:** Be aware the Planning and Zoning Commission may conduct an Electronic Meeting so that a member of the Public Body may participate, pursuant to UCA §52-4-207, (1953), as amended. Agenda items are considered flexible and may be conducted sequentially different than illustrated herein to meet the needs of the Planning and Zoning Commission. Individuals and entities that have business before the Planning and Zoning Commission should be present at meeting commencement.

**THE PUBLIC IS ENCOURAGED TO PARTICIPATE IN ALL CITY MEETINGS.** In accordance with the Americans with Disabilities Act (ADA), we will make reasonable accommodations for those needing assistance to participate in our meetings. Requests for assistance can be made by contacting the City at 435.864.2759 at least twenty-four hours in advance of the meeting.

### CERTIFICATE OF MAILING & DELIVERY

The below signed, duly appointed and acting City Recorder for Delta City, Utah hereby certifies that a copy of the foregoing Notice and Agenda was e-mailed to the Millard County Chronicle-Progress, LLC, [chronpro@millardccp.com](mailto:chronpro@millardccp.com), published on the Delta City and Utah Public Notices websites and was personally provided to each member of the Planning & Zoning Commission, this **Monday, August 7, 2023**.

\_\_\_\_\_  
Sherri Westbrook, Recorder

1



**DELTA CITY PLANNING & ZONING COMMISSION**  
**Wednesday, July 12, 2023 at 7:00 PM**  
**Delta City Municipal Complex Council Chambers\***

**MINUTES**

- 2 PRESENT
- 3 Chairman Chad Droubay
- 4 Vice Chairman Kelly Carter
- 5 Council Liaison Nick Killpack
- 6 Commission Member Tamara Stewart
- 7 Commission Member Phil Diaz
- 8 Commission Member Lindsey Dutson
- 9 Commission Member Derek Curtis (arrived at 7:11 p.m.)

- 10 NOT PRESENT
- 11 Commission Member Don Smith
- 12 Commission Member Dillon Pace

- 13
- 14 ALSO PRESENT
- 15 Travis Stanworth
- 16 Todd Anderson
- 17 Dent Kirkland
- 18 Michael Zurn
- 19 Pat Burns
- 20 Sherri Westbrook
- 21
- 22 Michelle Lovejoy
- 23 John Niles
- 24 Lisa Myers
- 25 Tom Tasker
- 26 Andy Nickle
- 27 Kevin Knight

28 **CALL TO ORDER**

29 Planning and Zoning Commission Chairman Chad Droubay called the meeting to order at 7:00 p.m.  
30 He stated that notice of the time, place, and agenda of the meeting had been posted at the City  
31 Municipal Complex, on the Utah Public Notice website, on the Delta City website and had been  
32 provided to the Millard County Chronicle-Progress and each member of the Commission at least  
33 two days before the meeting.

34 **MINUTES APPROVAL**

- 35 1. Meeting Minutes Approval: Planning & Zoning Commission Meeting 2023-05-10
- 36 Council Liaison Killpack MOVED to approve the minutes of the Planning and Zoning Commission
- 37 Meeting held on 5/10/2023. The motion was SECONDED by Vice Chairman Carter. Chairman Droubay
- 38 asked if there were any questions or comments regarding the motion. There being none, he called for
- 39 a vote.
- 40 Motion made by Killpack, Seconded by Vice Chairman Carter.
- 41 Voting Yea: Vice Chairman Carter, Diaz, Chairman Droubay, Killpack, Stewart, Dutson
- 42

43 **BUSINESS** – Any such business as may come before the Commission.

- 44 2. Michael Zurn; Delta Crossings Preliminary Plat Approval
- 45 Action: Discussion/Consideration for approval

46 Michael Zurn appeared before the Planning and Zoning Commission seeking preliminary plat approval  
 47 for Delta Crossings. Chairman Droubay led the Commission in the discussion. Commission Member  
 48 Stewart asked if there would be a time for public opinion about the construction of the road and  
 49 bridge on 450 North. City Attorney Anderson remarked that public clamor doesn't drive administration  
 50 action as long as it meets the code. There is no public hearing necessary for subdivision approval.  
 51 Chairman Droubay explained that the last public hearing was for rezoning. Commission Member  
 52 Stewart asked if the preliminary plat approval was for everything included on the plat map, and  
 53 Chairman Droubay agreed that it was. Commission Member Stewart asked if the public surrounding  
 54 the area was notified, but it was not required.

55 Chairman Droubay explained that if the Delta Crossing preliminary plat was approved, the entrance on  
 56 450 North is not on their property, and they were asked to help create the thorough-way to help with  
 57 access to the high school. Commission Member Diaz asked if they purchased the property from the  
 58 Nelsons. City Attorney Anderson explained that City Council wants the road and it is Delta City's  
 59 position that it is a platted street, and was intended to be a road. Commission Member Stewart asked  
 60 what the City Council's reasoning was to make it a road, and Council Liaison Killpack replied that the  
 61 benefits would be to have more than one access point and allow the connection to the high school and  
 62 middle school while avoiding Highway 6.

63 Public Works Director Kirkland explained that a traffic master plan was in the works, and the  
 64 recommendation was to complete 750 North and 450 North. Commission Member Stewart remarked  
 65 that at the last public hearing, most people did not want the bridge on 450 North. The Commission  
 66 talked about the options of having a four-way stop on 750 North.

67 Vice Chairman Carter asked if they have worked with the irrigation company on a plan for the ditch.  
 68 Michael Zurn spoke to Andy Nickle with the plan to reinforce the road with concrete, and have hired  
 69 engineers. Andy Nickle had some concerns about where the canal would cross roads, but just received  
 70 plans that day. Andy Nickle would like to be able to maintain the ditches without entering people's lots  
 71 and properties and for ease of access. Michael Zurn remarked that the ditches are 15 feet from the  
 72 back property line.

73 Approval would be conditioned upon the canal company signing off on the plan. Public Works Director  
 74 Kirkland added that there needs to be engineering for water and sewer lines, fire hydrants, street  
 75 lights, and street signs, which are all required for subdivisions. Delta City owns a part of the property  
 76 so an arrangement of transfer of that property will need to be made. The Planning and Zoning  
 77 Commission also wanted landscaping plans around the retention ponds, but they could present that  
 78 plan later.

79 Council Liaison Killpack MOVED to approve the Delta Crossing preliminary plat conditioned upon the  
 80 city code town home language, the arrangement of the transfer of the city-owned property within the  
 81 development from Delta City, express approval from the canal company with regards to canal  
 82 placement and bridge approval over the canal, approval of engineering for infrastructure: such as, but  
 83 not limited to storm drainage, fire hydrants, street lighting, street signs, and water and sewer, and  
 84 contingent upon further approval in the future of a landscape plan for the open space retention area.  
 85 The motion was SECONDED by Vice Chairman Carter. Chairman Droubay asked if there were any  
 86 questions or comments regarding the motion. There being none, he called for a vote.

87 Motion made by Killpack, Seconded by Vice Chairman Carter.

88 Voting Yea: Diaz, Chairman Droubay, Vice Chairman Carter, Killpack, Dutson, Curtis

89 Voting Nay: Stewart  
 90

- 91 3. Tom Tasker; Block 99 Minor Subdivision Final Approval
- 92 Action: Discussion/Consideration for approval

93 Tom Tasker appeared before the Planning and Zoning Commission seeking final approval for the Block  
 94 99 Minor Subdivision. Water and power have been installed on the property and bonds on the  
 95 sidewalk have been made. Public Works Director Kirkland had no issues.

96 Council Liaison Killpack MOVED to approve the final approval for the Block 99 Minor Subdivision. The  
 97 motion was SECONDED by Vice Chairman Carter. Chairman Droubay asked if there were any questions  
 98 or comments regarding the motion. There being none, he called for a vote.

99 Motion made by Killpack, Seconded by Vice Chairman Carter.  
 100 Voting Yea: Vice Chairman Carter, Diaz, Chairman Droubay, Killpack, Stewart, Dutson, Curtis  
 101

- 102 4. Joan Myers/Lisa Myers; Myers Park Subdivision Preliminary Plat Approval
- 103 Action: Discussion/Consideration for approval

104 Lisa Myers appeared before the Planning and Zoning Commission seeking preliminary plat approval for  
 105 the Myers Park Subdivision. This project has been previously approved, but it has extended beyond the  
 106 year so it will need to be approved again. Myers added sewer and water, and the name on the plat will  
 107 need to be changed. The ditch would be abandoned and curb and sidewalk will be located there.  
 108 Myers will tie into existing water mains. Public Works Director Kirkland remarked that the Fire  
 109 Department believes there should be another fire hydrant on Main Street by lot one. The hydrant  
 110 could be installed on the east side close to the highway. Public Works Director Kirkland remarked that  
 111 the sidewalk is not complete, but that Myers could bond the sidewalk.

112 Vice Chairman Carter MOVED to approve the Myers Park Subdivision preliminary plat based on fire  
 113 suppression and wording on the plat. The motion was SECONDED by Commission Member Diaz.  
 114 Chairman Droubay asked if there were any questions or comments regarding the motion. There being  
 115 none, he called for a vote.

116 Motion made by Vice Chairman Carter, Seconded by Diaz.  
 117 Voting Yea: Vice Chairman Carter, Diaz, Chairman Droubay, Killpack, Stewart, Dutson, Curtis  
 118

119 **ADJOURN**

120 Council Liaison Killpack MOVED to adjourn the Planning and Zoning Commission Meeting. The motion was  
 121 SECONDED by Commission Member Diaz. Chairman Droubay asked if there were any questions or  
 122 comments regarding the motion. There being none, he called for a vote.

123 Motion made by Killpack, Seconded by Diaz.  
 124 Voting Yea: Vice Chairman Carter, Diaz, Chairman Droubay, Killpack, Stewart, Dutson, Curtis

125 The meeting was adjourned at 8:19 p.m.

126  
 127

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Sherri Westbrook, Recorder

128

Unapproved

# MARQUEZ MINOR SUBDIVISION, AMENDED

LOCATED IN LOT 4, BLOCK 27, DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH

### SURVEYOR'S CERTIFICATE

I, BRADLEY N. RHODES, PROFESSIONAL UTAH LAND SURVEYOR NO. 288645, HOLD A LICENCE IN ACCORDANCE WITH TITLE 58, CHAPTER 22, PROFESSIONAL ENGINEERS AND LAND SURVEYORS LICENSING ACT. HEREBY CERTIFY THAT THIS MAP REPRESENTS A SURVEY MADE UNDER MY DIRECTION OF "MARQUEZ MINOR SUBDIVISION", A RESIDENTIAL SUBDIVISION LOCATED IN MILLARD COUNTY, UTAH, IN ACCORDANCE WITH SECTION 17-23-17. MONUMENTS WILL BE PLACED AS REPRESENTED ON THIS PLAT. THE LEGAL DESCRIPTION AND PLAT ARE TRUE AND CORRECT.

BRADLEY N. RHODES P.L.S. NO. 288645



### LOT 4 PLAT "A" DESCRIPTION

BEGINNING AT THE N.E. CORNER OF BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY, UTAH; THENCE ALONG THE BLOCK LINE S0°25'18"W, 248.87 FEET TO THE N.E. CORNER OF LOT 1 OF SAID BLOCK; THENCE ALONG THE LOT LINE AND THE EXTENSION THEREOF, N89°32'45"W, 266.76 FEET; THENCE N0°23'08"E, 248.87 FEET TO THE BLOCK LINE; THENCE ALONG SAID BLOCK LINE S89°32'48"E, 266.92 FEET TO THE POINT OF BEGINNING.

### NARRATIVE

THIS SURVEY WAS REQUESTED BY JOSE ALFREDO MARQUEZ ORTIZ. THE PURPOSE OF THIS SURVEY WAS TO SUBDIVIDE LOT 4, BLOCK 27, PLAT "A", DELTA TOWNSITE SURVEY, MILLARD COUNTY.

THE BASIS OF BEARING IS FROM CENTERLINE MONUMENTS BEING BETWEEN THE INTERSECTION OF 100 EAST & 200 SOUTH AND THE INTERSECTION OF 200 EAST & 200 SOUTH, HAVING A BEARING OF N89°32'48"W AND A DISTANCE OF 632.90 FEET.

### OWNER'S DEDICATION

OWNER'S DEDICATION KNOW ALL BY THESE PRESENTS THAT WE, THE UNDERSIGNED OWNER'S OF THE TRACT OF LAND DESCRIBED BELOW, HAVING CAUSED THE SAME TO BE SUBDIVIDED INTO A SUBDIVISION WITH LOTS, STREETS AND EASEMENTS TO HEREAFTER BE KNOWN AS MARQUEZ MINOR SUBDIVISION, DO HEREBY DEDICATE FOR PERPETUAL USE OF THE PUBLIC ALL PARCELS OF LAND SHOWN ON THIS PLAT AS INTENDED FOR PUBLIC USE, AND DO WARRANT, DEFEND, AND AGREE TO SAVE DELTA CITY HARMLESS AGAINST ANY EASEMENTS OR OTHER INCUMBRANCES ON THE DEDICATED STREETS WHICH WILL INTERFERE WITH DELTA CITY'S USE, OPERATION, AND MAINTENANCE ON THE STREETS AND DO FURTHER DEDICATE THE EASEMENTS AS SHOWN.

IN WITNESS WHEREOF, WE HAVE HEREUNTO SET OUR HANDS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_\_.

SIGNED: JOSE ALFREDO MARQUEZ ORTIZ  
MARQUEZ MINOR SUBDIVISION

### ACKNOWLEDGEMENT

STATE OF UTAH) S.S.  
COUNTY OF MILLARD)

ON THIS THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, PERSONALLY APPEARED BEFORE ME, THE UNDERSIGNED NOTARY PUBLIC, IN AND FOR THE COUNTY OF MILLARD, IN THE STATE OF UTAH, THE SIGNER(S) OF THE ABOVE OWNER'S DEDICATION, WHO DULY ACKNOWLEDGED TO ME THAT THEY SIGNED IT FREELY AND VOLUNTARILY AND FOR THE USES AND PURPOSES THEREIN MENTIONED.

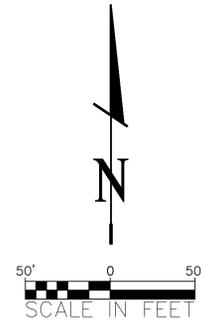
NOTARY PUBLIC \_\_\_\_\_

MY COMMISSION EXPIRES \_\_\_\_\_

### UTILITY AGREEMENT

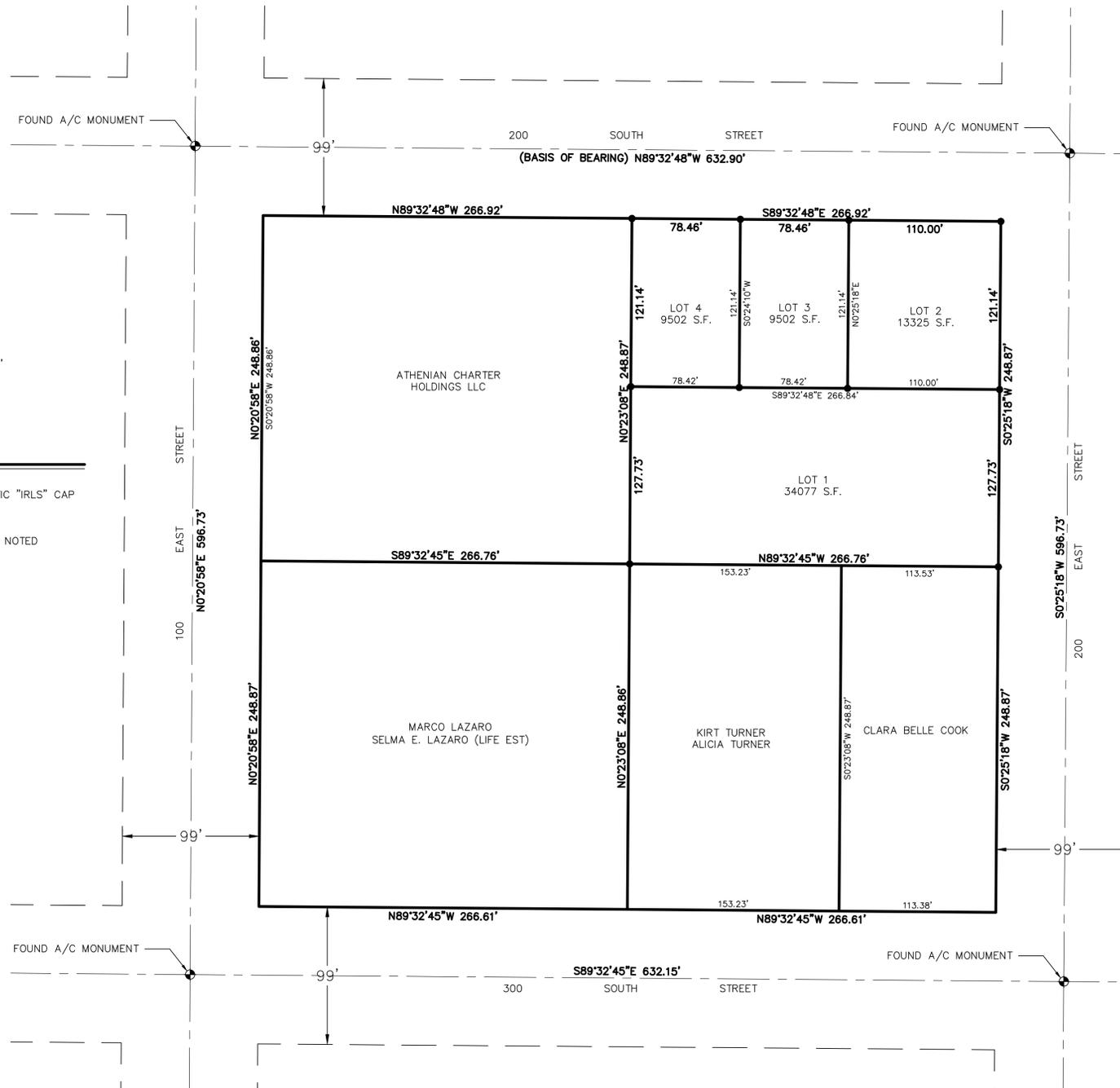
UTILITIES SHALL HAVE THE RIGHT TO INSTALL, MAINTAIN, AND OPERATE THEIR EQUIPMENT ABOVE AND BELOW GROUND AND ALL OTHER RELATED FACILITIES WITHIN THE PUBLIC UTILITY EASEMENTS (PUE) IDENTIFIED ON THIS PLAT AS MAY BE NECESSARY OR DESIRABLE IN PROVIDING UTILITY SERVICES WITHIN AND WITHOUT THE LOTS IDENTIFIED HEREIN, INCLUDING THE RIGHT OF ACCESS TO SUCH FACILITIES AND THE RIGHT TO REQUIRE REMOVAL OF ANY OBSTRUCTION INCLUDING TREES, AND VEGETATION THAT MAY BE PLACED WITHIN THE PUE. THE UTILITY MAY REQUIRE THE LOT OWNER TO REMOVE ALL STRUCTURES WITHIN THE PUE AT THE LOT OWNER'S EXPENSE, OR THE UTILITY MAY REMOVE SUCH STRUCTURES AT THE LOT OWNER'S EXPENSE. AT NO TIME SHALL ANY PERMANENT STRUCTURES BE PLACED WITHIN THE PUE OR ANY OTHER OBSTRUCTION WHICH INTERFERES WITH THE USE OF THE PUE WITHOUT PRIOR WRITTEN APPROVAL OF THE UTILITIES WITH FACILITIES IN THE PUE.

UTILITIES APPROVES THIS PLAT SOLELY FOR THE PURPOSES OF APPROXIMATING THE LOCATION, BOUNDARIES, COURSE AND DIMENSIONS OF ITS RIGHTS-OF-WAY AND EASEMENTS AND ITS EXISTING FACILITIES. THIS APPROVAL SHALL NOT BE CONSTRUED TO WARRANT OR VERIFY THE PRECISE LOCATION OF SUCH ITEMS. THE RIGHTS-OF-WAY AND EASEMENTS ARE SUBJECT TO NUMEROUS RESTRICTIONS APPEARING ON THE RECORDED RIGHTS-OF-WAY AND EASEMENT GRANT(S) OR BY PRESCRIPTION. UTILITIES MAY REQUIRE ADDITIONAL EASEMENTS IN ORDER TO SERVE THIS DEVELOPMENT. THIS APPROVAL DOES NOT CONSTITUTE ABROGATION OR WAIVER OF ANY EXISTING RIGHTS, OBLIGATIONS OR LIABILITIES INCLUDING PRESCRIPTIVE RIGHTS AND OTHER RIGHTS, OBLIGATIONS OR LIABILITIES PROVIDED BY LAW OR EQUITY. THIS APPROVAL DOES NOT CONSTITUTE ACCEPTANCE, APPROVAL OR ACKNOWLEDGEMENT OF ANY TERMS CONTAINED IN THE PLAT, INCLUDING THOSE SET FORTH IN THE OWNER'S DEDICATION OR THE NOTES, AND DOES NOT CONSTITUTE A GUARANTEE OF PARTICULAR TERMS OR CONDITIONS OF UTILITY SERVICES. FOR FURTHER INFORMATION, INCLUDING INFORMATION RELATED TO ALLOWED ACTIVITIES WITHIN THE RIGHTS-OF-WAY, PLEASE CONTACT AFFECTED UTILITY RIGHTS-OF-WAY DEPARTMENT.



### LEGEND

- SET 5/8" REBAR & PLASTIC "IRLS" CAP
- NOT SET
- ⊕ REFERENCE MONUMENT AS NOTED



### ACCEPTANCE BY LEGISLATIVE BODY

THE DELTA CITY COUNCIL, OF MILLARD COUNTY, STATE OF UTAH, APPROVES THIS SUBDIVISION AND HEREBY ACCEPTS THE DEDICATION OF ALL STREETS, EASEMENTS, AND OTHER PARCELS OF LAND INTENDED FOR PUBLIC PURPOSES FOR THE PERPETUAL USE OF THE PUBLIC THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

APPROVED: \_\_\_\_\_ MAYOR ATTEST: \_\_\_\_\_ CLERK/RECORDER

### DELTA CITY PUBLIC WORKS APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

DELTA CITY PUBLIC WORKS DIRECTOR

### DELTA CITY ATTORNEY APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, SUBJECT TO THE FOLLOWING CONDITIONS: \_\_\_\_\_

CITY ATTORNEY

### COUNTY RECORDER APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY RECORDER

### PLANNING COMMISSION APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_, BY DELTA CITY PLANNING COMMISSION

PLANNING COMMISSION CHAIR SECRETARY

### COUNTY TREASURER APPROVAL

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_\_.

COUNTY TREASURER

1. _____ COMPANY	2. _____ COMPANY
SIGNATURE DATE	SIGNATURE DATE
TITLE	TITLE
3. _____ COMPANY	4. _____ COMPANY
SIGNATURE DATE	SIGNATURE DATE
TITLE	TITLE

IRONRIDGE LAND SURVEYING, LLC  
50 NORTH 800 WEST, SUITE B  
CEDAR CITY, UTAH 8471  
(435) 972-352  
BRAD@IRONRIDGELAND.COM

MARQUEZ MINOR SUBDIVISION AMENDED FOR JOSE ALFREDO MARQUEZ ORTIZ

LOCATED IN LOT 4, BLOCK 27, PLAT "A", DELTA CITY TOWNSHIP SURVEY/MILLARD COUNTY, UTAH

PROJECT NO: \_\_\_\_\_

SCALE: 1" = 50'

DATE: 03/28/23

DRAWN BY: ITN

CHECKED BY: \_\_\_\_\_

SHEET NO: 1 OF 1

Original

Item 3.



Delta City  
76 N 200 W  
Delta, UT 84624  
435-864-2759, 435-864-4313fax

### Application to Appear

435-803-107

#### APPLICANT INFORMATION

Applicant Name Jake Nielson

Contact Name Jake

Contact Number 435-406-4810

Contact Email stub04@gmail.com

Mailing Address PO Box 136

City, State, Zip Oak City UT 84649

#### APPEARANCE INFORMATION

Request to appear before:

City Council       Planning & Zoning       Other: \_\_\_\_\_

Date you wish to appear: 8/9/23

Subject Summary: Discussion on remodeling structure for habital living

#### Subject Detail:

Be as specific as possible, with as much detail as possible. Include any documents, maps, etc.

I have a detached building on 309 N 200 W Delta I would like to remodel and make liveable. I am told it has been used as a hair salon in the past.

Action Requested: Change zone codes to allow Detached building habital

Applicant Signature Jake Nielson Date 8/3/23

This application and all applicable documents must be received (8) eight days prior to the scheduled meeting that you wish to attend.

Received by: blu

For City Use

Date: 8/3/23