

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
April 7, 2010**

The Millard County Planning Commission met on Wednesday, April 7, 2010 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Gordon Chatland Board Member
Joyce Barney..... Board Member
David Sturlin Board Member

EXCUSED:
Greg Greathouse..... Board Member
Lauri Mathews Board Member
Jim Withers..... Board Member

ALSO PRESENT:
Richard Waddingham County Attorney
Sheryl Dekker Millard County Planner
Amber Nickle Secretary
John Nye Mt View Dairy
Mike Staheli..... Mayor of Oak City
Alecsandro Santos Applicant AFO Permit

1. WELCOME, CALL TO ORDER

Chairman Smith called the meeting to order at 7:01 p.m. He welcomed all present. County Planner, Sheryl Dekker announced that Lauri Mathews resigned prior to serving.

2. APPROVAL OF MINUTES – March 3, 2010

The proposed minutes of the regular Planning Commission meeting held March 3, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Joyce Barney made a motion to approve the minutes as corrected. Commissioner Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

3. PUBLIC HEARING for the Purpose of Receiving Public Comment on a Level 3 Animal Feeding Operation Application # Z-2010-005 for Alecsandro R. Dos Santos – Bella Dairy for property located at 555 Anderson Lane, Oak City, Utah, and more particularly described as:

Parcel 1: 2984-1

Beginning at the East Quarter Corner of Section 31, T 16 S, R 4 W, SLBM, Thence South 286.50 Feet Along the Section Line; Thence North 55°52'56" West 520.75 Feet, More or Less, to the Quarter Section Line; Thence South 89°15'27" East 431.16 Feet, More or Less, Along the Section Line to the Point of Beginning.

Parcel 2: Part of 2986

Beginning North 286.60 Feet from the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 31, T16S, R4W, SLBM; Thence North 33°18' West 1247.75 Feet to the Quarter Section Line; Thence South 89°15'27" East 256.22 Feet; Thence South 55°45' East 518 Feet; Thence South 474.5 Feet to the Point of Beginning.

Less: Beginning at a Point North 00°27'44" West Along the Section Line a Distance of 289.43 feet from the Southeast Corner of the Northeast Quarter of the Southeast Quarter of Section 31, T16S, R4W, SLBM; Thence North 00°27'44" West Continuing Along the Section Line a Distance of 360.13 Feet to a Point on the Old Fence Line on the East Side of a County Road; Thence South 50°11'29" West Along Said Fence Line A Distance of 48.61 Feet; Thence South 24°40'59" West Continuing Along Said Fence Line a Distance of 49.58 Feet; Thence South 06°36'39" West Continuing Along Said Fence Line a Distance of 26.24 Feet; Thence South 00°09'05" West Continuing Along Said Fence Line a Distance of 96.21 Feet; Thence South 01°08'11" East Continuing Along Said Fence Line a Distance of 56.98 Feet; Thence South 03°36'46" East Continuing Along Said Fence Line a Distance of 9.59 Feet; Thence South 33°18'00" East a Distance of 113.82 Feet to the Point of Beginning.

8.18 acres total.

David Sturlin made a motion to open a public hearing. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was opened. Chairman Smith asked for any comments. Mike Staheli announced his presence and asked what a level three application entailed. Chairman Smith clarified what a level three animal feeding operation was. John Nye approached the podium and stated he was interested in the outcome of the application. Alecsandro Santos approached the podium and explained his interest in raising heifers in Oak City.

Joyce Barney asked if Oak City would be providing the water. Mr. Santos stated the water would come from Oak City.

Mike Staheli defined the boundaries of Oak City. Joyce Barney asked if neighbors needed to be notified. Sheryl Dekker said the neighbors were notified and there were no responses.

Mike Staheli asked if it was a full conditional use permit and what that would mean for future animal operations. It was stated that the permit would allow him to have as many animals as would be allowed in a level 3 animal feeding operation. Attorney Waddingham stated that if Mr. Santos wants to use the cows for a dairy operation in the future he would have to come back to the board for a new permit.

Gordon Chatland made a motion to close the public hearing. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

4. DISCUSSION AND POSSIBLE RECOMMENDATION to the Board of Millard County Commissioners for a Level 3 Animal Feeding Operation for Alecsandro R. Dos Santos – Bella Dairy for property located at 555 Anderson Lane, Oak City, Utah, or More Particularly Described Above.

Chairman Smith asked for any questions regarding the application. The basis for issuing a conditional use permit are as follows:

A. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the county by providing economic growth.

The Junius Anderson Dairy has been in the same location as a nonconforming use as the dairy was grandfathered in at the time of the adoption of the County Code.

Animal feeding operations benefit the county by providing jobs and economic growth.

Animal feeding operations benefit the agricultural community by purchasing local feed.

B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.

The property has previously been used for dairy operations as a nonconforming use – grandfathered in 1982.

The animal feeding operation will be required to conform with state regulations.

C. The proposed use will comply with the regulations and conditions specified in chapter 10 of the Millard County code for such use.

Yes.

D. The proposed use conforms to the goals, policies and governing principles of the county general plan. - Encouraging agricultural use and development.

The Millard County General Plan supports agricultural operations.

E. The accessory uses associated with this AFO will support and further the principal use of the property. (Ord. 08-04-01B, 04-01-2008, eff. 04-28-2008)

Yes.

Gordon Chatland made a motion to make a favorable recommendation to the County Board of Commissioners with the following conditions:

THE GRANTEE SHALL:

- A. Obtain all required permits and maintain compliance with all Federal, State, and local regulations, laws and ordinances that pertain to the operation, growth and maintenance of both Concentrated Animal Feeding Operations (CAFO) and Animal Feeding Operations (AFO) as set forth in Utah statutes and administrative rules and in the *Millard County Code (MCC), Title 10, Chapter 14*.
- B. Comply with all zoning and separation distance requirements of the MCC including but not limited to the following:

Site Selection Criteria: No AFO shall be constructed or operated except on a site meeting the site selection criteria set out in the MCC. The site selection criteria are as follows:

1. No AFO shall be located within the source protection area of a drinking water supply system, except for a public water supply system constructed and operated solely for the benefit of the AFO.
2. The roads providing access for vehicles to the AFO shall be sufficient for the type and volume of traffic necessary for operation of the AFO, or adequate provision shall be made to improve the roads as part of the AFO permit.
3. The AFO site shall have sufficient area to satisfy the area requirements of the MCC.
4. The AFO shall have sufficient lands for application of manure nutrients, unless the AFO will utilize other manure management systems such as systems providing nutrient reduction or processing of manure components.
5. Where required either by Utah law or by conditions of a conditional use permit, an approved comprehensive nutrient management plan (CNMP) shall be prepared for the AFO, and arrangements shall be made for the use of lands to be used as part of the CNMP.
6. Utility service to the land must be sufficient for the AFO, or provision must be made in the permit for such utility service to be provided.

7. There must be an adequate water supply for the AFO, with sufficient water rights either by contract or by rights appurtenant to the AFO lands.

8. Expand no larger than the proposed site expansion plan and the animal unit numbers specified in the application for case # Z-2010-005 regarding this Level 3 AFO.

C. Observe all of the minimum separation distances required by the Millard County Code. For a level 3 AFO, the following setbacks shall apply, in addition to those that apply to a level 1 or level 2 AFO:

1. No corral, building or structure which houses or is intended to house any livestock or any manure storage area or waste lagoon shall be located closer than one-half ($1/2$) mile from the property or boundary line of the nearest incorporated town, school, church, public park, or platted subdivision.

2. No corral, building or structure which houses or is intended to house any livestock or any manure storage area or manure treatment lagoon shall be located closer than fifty feet (50') from the property line of the AFO facility.

3. All corrals, buildings, or structures which house or are intended to house any livestock, and all manure storage areas and manure treatment lagoons shall be located at least one hundred feet (100') from the centerline of any road used by the public for general travel, except state and federal highways, for which the minimum separation distance shall be two hundred feet (200') from the centerline.

4. The closest inside edge of the retaining wall of any manure treatment lagoon, or outside wall of a milking barn, or the outside edge of any corral or manure storage area shall be at least six hundred sixty feet (660') from the nearest inhabited dwelling, other than dwellings for the owner or employees of the AFO, or for which an appropriate easement has been obtained.

5. No AFO structures which house or are intended to house livestock or any other contamination sources may be located within one hundred feet (100') of an existing well unless grouting or other wellhead protection approved by the appropriate agency of the state has been implemented. (Ord. 03-08-11A, 8-11-2003, eff. 9-1-2003)

6. Comply with all laws and ordinances that regulate the handling of waste products, liquid and solid, hazardous and non-hazardous, including, but not limited to, animal carcasses and similar common by-

products that occur from operating an AFO.

D. COUNTY ACCESS TO FACILITIES

For the purpose of continued inspection for compliance with this conditional use permit:

1. Grantee shall allow authorized County officials access to the project site during normal business hours, provided that they comply with all security measures required by grantee.
2. County officials shall notify the Grantee at least twenty-four (24) hours before accessing the site, and when possible, will be accompanied by Grantee's staff at all times while on site.

David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

5. **DISCUSSION** of Proposed Amendments to the Millard County Code Title10 – **Bruce Parker**

Sheryl Dekker stated that Mr. Parker would like to know if the board had a chance to read the proposed amendments to the Zoning Ordinance that he sent out to them.

Joyce Barney asked if everyone agreed with the language regarding the waterways. There were no comments.

Joyce Barney asked if the changes to the *Zoning Ordinance* would be in compliance with the General Plan. Attorney Waddingham said that they would be in compliance. Gordon Chatland asked if the transportation changes were ever adopted. Sheryl Dekker and Attorney Waddingham confirmed that the county transportation map included the changes.

6. **DISCUSSION** Regarding Amendments to the *General Plan* for Future Designated Major Utility Corridors in Millard County - Consider Designating Existing Transmission Lines of 140 KV or Greater

Sheryl Dekker stated that Cove Fort would be protected so that it maintains its historic elements.

There was more discussion regarding the application process for companies to make changes to utility pipelines.

There was discussion regarding the benefits from the utility companies to Millard County for passing through the county.

There was discussion regarding negotiating with power companies to get power to Millard County. There have been companies that have wanted to come to Millard County but have not been able to because of power issues.

7. Other Business

Sheryl Dekker asked if anyone was planning to attend the P & Z training conference held by the Utah Counties Insurance Pool. Everyone showed interest in attending.

8. Possible Closed Meeting Pursuant to Utah Code Annotated Section 52-4-4&5

There was none.

9. Adjourn

David Sturlin made a motion to adjourn the meeting. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative. The meeting adjourned at 7:56 p.m.

Robin Smith, Chairman
Millard County Planning Commission