

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 1, 2013**

The Millard County Planning Commission met on Wednesday May 1, 2013 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Gordon ChatlandPlanning Commission Chairman
David Sturlin Planning Commission Vice-Chairman
Joyce Barney..... Planning Commissioner
Molly Stevens Planning Commissioner
Brent Blake..... Planning Commissioner
Gary Walker Planning Commissioner

EXCUSED: Greg Greathouse..... Planning Commissioner

ALSO PRESENT:

Richard Waddingham County Attorney
Amber Nickle Secretary
Sheryl Dekker County Planner
Michael Corey Citizen/Applicant
Manly Abbott Citizen
M Anthony Abbott..... Citizen
Kelly Thomas Healey..... Citizen
Robert & Paulette Thomas Citizens

1. Welcome, Call to Order

Chairman Gordon Chatland called the meeting to order at 7:00 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – February 6, 2013
March 6, 2013**

The proposed minutes of the regular Planning Commission meeting held February 6, 2013 were presented for consideration and approval. David Sturlin made a MOTION to approve the minutes with minor changes. Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the regular Planning Commission meeting held March 6, 2013 were presented for consideration and approval. Joyce Barney made a MOTION to approve the minutes with minor changes. Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

- 3. PUBLIC HEARING – ZONING MAP AMENDMENT** for the Purpose of Receiving Public Comment on an application for a zoning map amendment from AG20 to AI (Agriculture Industrial). The application is for 40 acres located at 3800 W 6500 N – Delta Grid. Jon D Corey & Kristin P Corey – Applicants; Michael Corey - Agent.

David Sturlin made a MOTION to open a public hearing. Gary Walker SECONDED the motion. Voting was unanimous in the affirmative. The Public Hearing for a zone change (map) was opened at 7:12pm.

Manly Abbott stated that he lives directly south of the Corey feedlot operation. Mr. Abbott said he was contacted by Mike Corey about the feedlot and at the time he was not concerned about it. He said that he was not aware that Mike Corey wanted to almost double the lot. He said that his concerns are:

1. The animals can be very loud and smelly.
2. The flies that the lot would bring
3. The water consumption that the cows would require; that they may deplete the aquifer and leave insufficient water for his property and family.
4. The water could possibly be contaminated with the waste product from the animals.

Robert Thomas stated that he lives directly across the street from the Corey's, South East of the feed yard. He said that he spoke at length to Mike about the lot and that he told him as long as the yard did not go east that he was okay with the expansion. He said that he is a little nervous about it but that he is not against it. He said he doesn't remember ever being offended or bothered by the smell from the lot.

Kelly Thomas Healey, daughter to Robert Thomas, stated that she was offended that Mike Corey never contacted her because she is a landowner. She said that she moved back to Delta from St. George to live the way she did when she was growing up. Mike Corey now owns the land that once belonged to her Grandfather. She said that she is very concerned about the flies that the expansion would bring. After hearing about the expansion of the lot she and her extended family had their first discussion about leaving, and that deeply concerned her.

M. Anthony Abbott stated that he has deep roots to the land near the Corey's lot also and that he plans to live there until he dies. He wants to ensure that the land stays in good shape so that he and his family can enjoy living there for years to come.

Mike Corey stated that there is a new product that has recently come out that will drastically decrease the flies around the feedlot. He stated that LiquaDry cleans

and takes out the manure in the lot which also helps decrease the amount of flies.

Mike Corey asked Robert Thomas if they have had any issues with dust. Mr. Thomas said that the dust is missing their house and his daughter's house. He apologized to Kelly and said that he did not realize she was a property owner. He thought her house belonged to her parents.

Mike Corey said that he has ten full time employees right now and with the expansion of the feed lot there would be more jobs created. He addressed the water concern. He said a cow consumes approximately 5 gallons a day in the winter and can consume up to 10-16 gallons a day during the summer.

Joyce Barney asked how deep the existing well is. Robert Thomas said it is 220 feet deep.

Gordon Chatland thanked everyone for coming and expressing their thoughts and concerns. He asked for any more public comments. There were none.

Gary Walker made a MOTION to close the public hearing. Brent Blake SECONDED the motion. The voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2013-001 for a zone change application (map) from AG20 to AI for 40 acres located at 3800 W 6500 N – Delta Grid. Jon D Corey & Kristin P Corey – Applicants; Michael Corey, Agent.

Sheryl Dekker stated that at some point over the past 15 years the feed lot had grown in size from a small feedlot of less than 300 animal units, to its current Animal Feeding Operation (AFO) with approximately 1,500 animal units. The feedlot is currently classified as a legal nonconforming use on property that is zoned as AG20. She said that when the Corey's purchased the property they were told that the property was properly permitted and zoned, but it is not. Because of the number of animals, it is currently too close to the existing homes which were there prior to the operation of the animal feeding operation. The County Code requires that new animal feeding operations be no closer than 1,320 feet from existing homes, unless the homes are owned by the property owner of the AFO or CAFO. Mike Corey wishes to change the zoning of the feed lot to Agriculture Industrial (AI) so that the feedlot can be expanded to have up to 4900 animals. Because of the proposed number of animals, the facility would need a conditional use permit for a Confined Animal Feeding Operation (CAFO).

Molly Stevens asked if Mike Corey already has a water right for the expansion of the feedlot. He stated that he has a lease lined up to move the water to support his lot but it is pending to see if he can obtain proper permitting.

Joyce Barney asked if the water could affect the zone change. Molly Stevens stated that it would be pointless to discuss the change if there is not enough water to sustain the lot.

Joyce Barney asked if the Corey Cattle Company would have to drill a separate well to drill deeper than the 220 feet for agricultural use. Richard Waddingham stated that he is not aware of any required depth for agricultural purposes. Mike Corey stated that he could adhere to any water requirements that are mandated. He is already considering drilling another well.

Sheryl Dekker stated that one cow is equal to one animal unit. Mike Corey clarified that there are currently 3,000 cows and that they are looking to expand to 4,900.

Gary Walker stated when he was the Millard County Planner he was aware that there had been a feedlot built on the property currently owned by the Corey's. The individual who built the feedlot may not have adhered to the County's rules and regulations when the feedlot was originally built. To the best of his knowledge, the county had previously requested the animal quantity counts from the original owner/builder of the feedlot; that data was never supplied. That individual sold the property to another person, who discontinued the use of the feedlot. Then the property was sold to the Corey's. In his opinion, that is why the county is unsure of the property's current status, as a legal nonconforming use.

David Sturlin clarified that if the application is approved Mr. Corey would be held to stricter standards and may need to alter the current number of animals in the feedlot. Sturlin also noted that the proposed expansion may not be permitted, even if the zone change is approved.

Mike Corey asked if he would be required to tear down corrals to meet the zoning requirements.

Gary Walker stated that once an operation expands it loses its nonconforming status and needs to meet all requirements under the existing ordinance. He stated that the larger the operation the more distance is required between the lot and the surrounding houses.

Joyce Barney made a MOTION to table the application for zone change until Mr. Corey has an opportunity to discuss the issues presented with his brother, Jon, who is the property owner, as well as consider possible negative impacts that approval of the zone change may create for the existing operation. David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

Chairman Chatland recommended Mr. Corey speak to the County Planner and County Attorney to learn more about the rules and regulations regarding the feedlot operation.

5. REVIEW and DISCUSSION on Application # Z-2013-004 for amendments to the official Millard County Zoning Map in the Eskdale and Garrison unincorporated communities.

David Sturlin stated that he spoke to the people in Garrison and the consensus was that an agricultural zone instead of a residential zone would be more appropriate because many residents have livestock animals and agricultural processes in operation currently.

Mr. Sturlin stated that In Eskdale the map has been revised to allow for an RI (residential – one acre) zone where the homes and community center are located, the AI (agriculture industrial) zone where the dairy is located, a LI (Light Industrial) zone, and the remainder of the Eskdale properties as AG20 (agriculture – 20 acres). Mr. Sturlin stated that they feel that the amended map is now ready to proceed with the public hearing processes for approval.

6. OTHER BUSINESS

Chairman Chatland stated that he, Molly Stevens, David Sturlin, and Sheryl Dekker attended a very good training on March 24-25. He told that Planning Commission members that all the training notes can be reviewed online at www.ucip.com.

Chairman Chatland said that the draft minutes of all meetings must be available three days after the meeting. He also noted that all decisions made by the Planning Commission must be made based upon the law (state and county codes), and that decisions must not be made based upon public clamor.

7. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-4&5

8. ADJOURNMENT

David Sturlin made a MOTION to adjourn. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

Gordon Chatland Chairman
Millard County Planning Commission