

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 6, 2015**

The Millard County Planning Commission met on Wednesday May 6, 2015 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Gary Walker Planning Commission Vice-Chairman
Joyce Barney Planning Commissioner
Molly Stevens Planning Commissioner
Jodi Robison Planning Commissioner
Tom Nielson Planning Commissioner

EXCUSED: Greg Greathouse Planning Commissioner

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt..... Secretary
Richard Waddingham Deputy County Attorney
Dean Draper Millard County Commissioner
Alan Roper..... Millard County Commissioner
Kary Kessler Applicant
Susan Kessler..... Applicant
Dustin Eliason..... Applicant
Lee Goodrich Property Owner
Betty Jo Western Property Owner
Howard Western Property Owner
Kellie Christensen..... Applicant - Hawbush Ranch
Judd Christensen..... Applicant - Hawbush Ranch

1. Welcome, Call to Order

Planning Commission Vice Chairman David Sturlin called the meeting to order at 7:01p.m. He welcomed all present.

2. APPROVAL OF MINUTES –

The proposed minutes of the regular Planning Commission meeting held January 7, 2015 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for January 7, 2015 as corrected. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW and POSSIBLE APPROVAL of P-2 Permitted Use Permit Application #Z-2015-008 by Eliason Woodworking, LLC, located at approximately 4100 S 4000 W, Deseret. Dustin L. Eliason-Petitioner/Owner.

Dustin Eliason approached the Commission. He has been in the woodworking business for about 9 years including 3 years on his property. Planning Commissioner Molly Stevens asked if Mr. Eliason had any employees. Mr. Eliason verified that there are no other employees. She then asked him if he is aware of any concerns from any neighbors. Mr. Eliason stated that the closest neighbor to the south is Lynn Anderson. He stated that the Andersons do not live in their home full time. He then stated that he has talked to his other neighbors including Brent Cropper and he has no issues or concerns with this residential business. Mr. Eliason stated that his equipment gets locked up every day.

Planning Commission Chairman David Sturlin discussed some of the staff report with the Commission and applicant. Mr. Eliason is aware of the requirements that are listed on the staff report. He also stated that he will meet all requirements that are listed on the staff report. Planning Commission Chairman David Sturlin also went over the requirements for this permit.

Planning Commission Vice Chairman Gary Walker had a concern about the wording on requirement B.

B.) Entrance to the home occupation from outside shall be the main entrance or the same entrance used by the residents of the woodworking shop, except when required to be otherwise by the fire authority, board of health, or other public agency with authority. Millard County Planner Sheryl Dekker stated that is how it is worded in the ordinance which is the same language in the staff report. Mr. Eliason verified that the business is not in the home; it is in a shop behind the home. Millard County Planner then gave the definitions between a major and a minor home occupation.

Planning Commission Vice Chairman Gary Walker made a MOTION to approve the P-2 Permitted Use permit for Application Z-2012-008 for Eliason Woodworking, LLC located at approximately 4100 S 4000 W Deseret Based on the criteria in the staff report items 2, 1-8 and A-E. Planning Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

Planning Commissioner Joyce Barney asked to strike Magnum Holdings that is listed under the conformance to the *General Plan*. It needs to say Eliason Woodworking, LLC.

4. REVIEW and POSSIBLE RECOMMENDATION of Minor Subdivision Application # Z-2015-001 by Notch Peak View, LLC, for property located at approximately 1000 N 1000 E, Delta Grid. Rob Droubay – Petitioner/Owner.

The applicant called prior to the meeting and asked that this item be tabled for a date to be determined. Delta City Mayor Gayle Bunker asked Mr. Droubay for the agenda item to be tabled as Delta City does not want to any more wells drilled in that area northeast of Delta. Millard County Planner Sheryl Dekker stated that Rob Droubay will either bring this back to the Millard County Planning Commission or it will need to go to Delta City to see if this property will be annexed.

Planning Commission Chairman David Sturlin asked if anyone was attending the meeting that is wanting to speak about this agenda item. Lee Goodrich approached the Commission. He stated that the applicant has already started digging some holes to do some perk tests. Mr. Goodrich would like to be notified if this application comes back to the Millard County Planning Commission. Millard County Planner Sheryl Dekker advised Mr. Goodrich that notices will be sent to adjacent property owners if the agenda item comes back to the Commission. She advised him to keep in contact with Delta City to see if this becomes an annexation item on their agenda.

Planning Commissioner Jodi Robison made a MOTION to table Application #Z-2015-001 to the next available meeting. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE APPROVAL of C-1 Level 2 Animal Feeding Operation (AFO) Application # Z-2015-009 by Hawbush Ranches, LC, for property located at approximately 6700 N 100 E, Fillmore Grid. Judd R. Christensen – Petitioner. Hawbush Ranches, LC – Owner

Judd Christensen approached the Commission. He is proposing to build a Level 2 Animal Feeding Operation. He stated that this will be a confined operation. Mr. Christensen stated that the maximum number of turkeys on the property at any given time will be 44,000. These turkeys will be on a piece of land that is about 15 acres. There are enough water sources on the land to support this operation. Planning Commission Chairman David Sturlin asked if the applicant was aware of the Avian Influenza virus that has occurred in the eastern United States. Chairman David Sturlin is very concerned about this virus and is wanting to see if the project can be postponed until we can make sure the virus does not reach the Millard County area. Mr. Christensen stated that there will not be any cross contamination on this sight. This operation will have the turkeys confined. They will be taking many precautions to prevent any disease or viruses reaching their facility.

Planning Commissioner Joyce Barney stated that she is aware that turkeys and chickens do not get along as far as diseases go. She is concerned about this issue. Mr. Christensen stated that they are signing a contract with Moroni feed. He stated this should avoid competition with Delta Egg Farm. Planning

Commissioner Joyce Barney stated it has nothing to do with competition; she is more concerned about the bird flu viruses traveling between each facility.

Commissioner Joyce Barney asked County Planner Sheryl Dekker if there have been any comments about this application from the public. Dekker stated that there have been no concerns from any of the surrounding land owners. This meeting is the first time she has heard about the breakout of the virus in the east.

Mr. Christensen stated that all his equipment will be on sight and only go to and from Moroni. They don't contract this equipment out so it will only be used for this operation.

Millard County Commissioner Dean Draper stated that he has talked to Scott Patton from the Delta Egg farm about the concerns of the spreading virus. He gave some information that he has found about this virus. Millard County Commissioner Dean Draper stated that none of this information is to prohibit the applicant from this operation; it is just some information that he has received. He gave much more detail about the virus and the ways that the Delta Egg Farm is taking caution to avoid this virus from coming into their facility. He believes that the applicant will be taking many precautions as well.

Planning Commissioner Jodi Robison asked if there is any documentation stating that the virus can spread through flies, because the CVC lists that it can only be spread through cross contamination. Millard County Commissioner Dean Draper read some of the verbiage in the document, including, "Infected birds can shed avian influenza A viruses in their saliva, nasal secretions, and feces. Susceptible birds become infected when they have contact with the virus as it is shed by infected birds. They also can become infected through contact with surfaces that are contaminated with virus from infected birds". He could not verify the question but he is not sure if the document he has is all inclusive.

Commissioner Tom Nielson stated that this operation would be at risk as much as the Delta Egg farm is for contaminated. Commissioner Joyce Barney asked Mr. Christensen why he is willing to borrow money to start this operation if it could be at risk to fail until better information is available on the bird flu outbreak in the mid-west. Mr. Christensen stated that the earliest they would have birds at the facility would be October. He then stated that he is just wanting to start the building process so everything would be ready by October. Mr. Christensen stated that the Delta Egg Farm employs about 80 people. With his own operation it will be much more minimal. There will only be about 3 employees who are all family members.

Planner Sheryl Dekker asked where the birds will be slaughtered. Mr. Christensen stated all the birds get transported to processing plant in Moroni that is owned by Moroni Feed to be slaughtered. His operation is only raising and feeding the birds. All the birds and the feed are owned by Norbest.

Planning Commissioner Jodi Robison stated that the CVC sight stated that the biggest contamination comes from water fowl. She then asked Mr. Christensen if there is any open water near this property. Mr. Christensen stated that there is no open water on the property or within about 10 miles of the property.

Planning Commissioner Molly Stevens wanted verification about the 360 stock water units. She was concerned if they would have to go through a change application to change the water use if they needed more water. Mr. Christensen stated that he can transfer more of his existing water rights that he owns.

Planning Commissioner Molly Stevens then asked if there is going to be any offensive smells. Mr. Christensen stated that his closest neighbor to this facility will be his brother and Randy Coats. He is sure that Greg Kessler (one of the other neighbors) is aware of this project. Mr. Christensen stated there will probably be a smell but it won't be over whelming. Commission Chairman David Sturlin read one of the reasonable conditions listed on this staff report.

e) Implement dust and odor control procedures.

Planning Commission Chairman David Sturlin then read reasonable conditions f, g, and h:

- f) Onsite Composting of turkey manure and other wastes
- g) Onsite disposal of dead animals by composting with turkey waste
- h) Collect and spread composted manure and turkey waste on applicant/owner's fields.

He then asked Mr. Christensen if these conditions are going to be the procedures that they will be practicing. Mr. Christensen stated that these will be the procedures that they will be using.

Commission Vice Chairman Gary Walker stated that he would like to add two conditions to the reasonable conditions.

- 1) Maintain a bio secure site.
- 2) Maintain adequate water rights for all ranching operations on the sight.

Gary Walker stated that a Bio secure site is the controlling and containment of viruses and prohibiting the spread of disease. Mr. Christensen stated that he is aware of what a Bio Secure site means and it is in his best interest to follow this condition.

Deputy County Attorney Richard Waddingham stated that Mr. Christensen should give the Commission his definition of a bio secure site, so they can see what conditions he is following. Millard County Planner stated Mr. Christensen could have an attachment to the application stating these planned procedures.

Commissioner Joyce Barney asked Mr. Christensen if we should table this for application for 30 days to see what happens with the bird flu virus. Mr.

Christensen stated he would rather not table this application. He is wanting to start the construction as soon as they can. Commissioner Tom Nielson verified that the birds will not be arriving at the facility until October. Mr. Christensen stated that Moroni Feed is well aware of the virus breakout in the east. Commission Vice Chairman Gary Walker, Commissioner Tom Nielson, and Commissioner Jodi Robison stated that they do not see any threat at this time for the applicant to start the construction on this facility.

Millard County Commissioner Dean Draper stated that there is nothing saying we should deny the applicant from proceeding with this operation. He believes that Moroni Feed is taking everything in to consideration. He then stated that this sounds like a gamble that Mr. Christensen is willing to take.

Planning Commission Vice Chairman Gary Walker made a MOTION to approve application Z-2015-009 for a C-1 level 2 AFO. Based on the facts of the compliances and conditions issuance of a conditional use permit stated in number two (2. a-h) along with the conditions recommended in 3. (a-j) with adding the two additional recommendations

k) Maintain a bio secure site.

l) Maintain adequate water rights for all ranching operations on the site.

Planning Commissioner Jodi Robison SECONDED the motion. Voting was affirmative with the exception of Commissioner Joyce Barney who voted in opposition to the motion. The motion passed.

Planning Commissioner Joyce Barney then stated that she is not opposed to the project; she just feels like the Commission needs more time to get educated on the Avian Influenza virus breakout in the mid-west.

6. REVIEW AND POSSIBLE RECOMMENDATION of Minor Subdivision Application # Z-2015-010 by Kary G. Kesler and Susan Kesler for property located in the foothills southeast of Fillmore. Kary G. Kesler and Susan Kesler – Petitioner/Owner.

Kary Kessler approached the Commission. He stated that he is wanting to divide 120 acres into six (6) 20-acre parcels for people to use for recreation. At this time the property is in a green belt area. He stated that there could be potential for buildings on the parcels for recreation property. There is no water on the land at this time.

Commission Chairman David Sturlin asked if we could change the proposal on the staff report to 20-acre parcels not just 10-acre parcels (clerical error). Planner Sheryl Dekker stated that she would make that change.

Commission Vice Chairman Gary Walker asked if this is not planned for development, why we are not just doing an agriculture subdivision with no need

for an application for development. Commissioner Molly Stevens stated that if someone does want to develop on the parcel they will not be able to do so on an agriculture subdivision. Planning Commission Vice Chairman Gary Walker stated that they could come back to the Planning Commission to amend the division for the ability to develop once the utilities are available. Millard County Planner Sheryl Dekker asked Mr. Kesler if the land is currently being used for grazing and not farmed at all. Mr. Kesler affirmed that is the case.

There was some more discussion as to utilities being in place before or after a non-plat subdivision is approved, along with the difference between a major and a minor non plat subdivision.

Millard County Planner Sheryl Dekker gave the Commission a copy of the code 11-4-4 and stated that this code is for a major/platted subdivision and she is unable to find anything in the ordinance about requiring water on a minor subdivision. Planning Commission Vice Chairman Gary Walker stated that the difference between a major and a minor subdivision is that a minor subdivision does not require a plat and the other requirements are the same.

Millard County Planner Sheryl Dekker then read code 11-5-1: Recreational Subdivisions: D. Millard County Planner Sheryl Dekker stated that this application should probably be for a recreational subdivision. She stated that this application should be clarified with Mr. Kessler and tabled to the next meeting.

There was some discussion among the Commission if this application should be resubmitted. Deputy County Attorney Richard Waddingham stated that this application should be tabled to the next meeting and the applicant needs to clarify with the Millard County Planner what the application needs to be.

Commissioner Joyce Barney made a MOTION to strike the agenda item and the applicant can come back to the June meeting once the applicant decides what type the application needs to be. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

7. DAVID STURLIN – Training on Land Use Issues

Commission Chairman David Sturlin gave a power point presentation on some information that was given out at the Utah County Indemnity Pool (UCIP) planning commission training. He stated that looking at the agendas the Commission needs to determine if the agenda items are legislative or administrative. The Board of County Commissioners either adopts or amends the General Plan, the Land Use Ordinance, or official maps of the county pending a recommendation from the Planning Commission. He gave examples and definitions of legislative and administrative plans.

There was some discussion amongst the Commission about the differences between a public meeting and a public hearing. Millard County Commissioner Dean Draper stated that in their County Commissioner training there was discussions about public meetings and public hearings. He then stated that a public meeting does not give a person the right to speak but a public hearing does. Although a public hearing does not allow one to just stand up and talk, it is the public's burden to present the Commission with facts. The Commission could still allow the public to speak during a public meeting but it is not mandatory.

Planning Commission Chairman David Sturlin stated the legislature adoption a requirement that counties include a Resource Management Plan in their General Plans. He then asked Millard County Commissioner Dean Draper to discuss the Resource Management Plan. Commissioner Draper said he will be the lead Planning Commission and the Board of County Commissioners in getting Millard County to comply with the legislation.

Millard County Commissioner Dean Draper stated that House Bill 323 states that the Resource Management Plan requires counties to prepare a long-range comprehensive resource management plan for purposes of coordinating with federal agencies on land and natural resource issues. He stated that this will allow federal lands to be transferred to the state.

Millard County Commissioner Dean Draper presented the Commission with Kane County's resource management plan for a reference plan. He stated that the rudimentary plan is due at UAC by June 1. The completed plan is to be submitted by June 2016. The RMP should be created with three core resources - Water, Air, and Energy. There are 27 areas that need to be addressed in detail.

Commissioner Dean Draper stated this will inspire and necessitate changes to the counties existing *General Plan*. He then stated that we already have a RMP (Resource Management Plan) in our *General Plan* but it does not meet the standards that are required by the new house bill 323.

Millard County Commissioner Dean Draper stated that the Commission should look at the 27 areas and write down some names of people that could help out in these specific areas. He then stated we could write this in stages.

Millard County Commissioner Dean Draper stated that one of the immediate considerations in this process needs to be addressed by the Planning Commission.

- 1) Open agricultural drains in the central farming areas of the county.

There was some discussion about the drains and water systems on private and agriculture lands. Deputy County Attorney Richard Waddingham is under the impression that these systems will not be included in this RMP. Millard County

Commissioner Dean Draper stated these are things that we can address and discuss in a later meeting.

Millard County Commissioner Dean Draper then talked about being careful to not use federal agency language in our Resource Management Plan. He stated when the Commission is composing this Commission should provide their own terminology and definitions so that no ambiguity shall exist in the interpretation of the use of the terms. The Commission should also facilitate this Resource Management Plan.

Millard County Commissioner Dean Draper then stated the second consideration that should be addressed:

- 2) The width of Millard County's energy corridor needs to be expanded. The width needs to be a minimum of two miles.

9:06pm Planning Commissioner Jodi Robison and Planning Commission Vice Chairman Gary Walker were excused from the meeting.

Millard County Commissioner discussed the third immediate consideration:

- 3) Zoning for all of the lands in Millard County needs to be formulated. A more refined zoning plan needs to be applied to the federal lands in the county with attention being paid to uses involving access, mining, grazing, water, recreation and productivity which includes economic opportunity while protecting natural resources.

Commissioner Draper stated that any written document pertaining to this RMP will be considered a draft copy. Any portion of this draft document should not be shared with anyone that is not on the committee. It will not be subject to GRAMA. Only the final document that has been prepared and sent to the BOCC and then sent on to the state is to be shared. There will be a public hearing and then adoption by the County when in its final stage.

8. PLANNING and ZONING ADMINSTRATOR'S REPORT

Millard County Planner has nothing to report.

Planning Commissioner Molly Stevens suggest that we should start the meetings at 6 pm. Planning Commission Chairman asked if we could postpone the time change until the July meeting.

Millard County Commissioner Alan Roper stated that Planning Commission should keep track of their time spent on this RMP. There may be some compensation taking place.

Millard County Commissioner Dean Draper stated that the Millard County Commissioners need to be excused from the June 3rd meeting.

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

10. ADJOURNMENT

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 9:18 pm.

Dated this _____^{day} of _____ 2015
David Sturlin, Vice Chairman
Millard County Planning Commission