

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
January 4, 2017**

The Millard County Planning Commission met on Wednesday January 4th, 2017 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Molly Stevens Planning Commissioner
Gary Walker Planning Commission Vice Chairman
Tom Nielson Planning Commissioner
Greg Greathouse Planning Commissioner

EXCUSED: Jodi Robison Planning Commissioner
Joyce Barney Planning Commissioner
Richard Waddingham Deputy County Attorney

ALSO PRESENT:

Dean Draper Millard County Commissioner
Wayne Jackson Millard County Commissioner
Angi Meinhardt Secretary
Steve Styler Agent for Murphy Brown/Smithfield
Jim Webb Smithfield
Sally Sagers Applicant
Lance Sagers Applicant
Jim Kaufman Black Rock Land Owner
Cynthia Kaufman Black Rock Land Owner
Hannah Jones Chronicle Progress

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED to each member of the Planning Commission, posted at the Millard County Offices in Delta, the Public Safety Building in Fillmore, and the Main Street Courthouse in Fillmore, posted on the Utah Public Notice Website and the Millard County Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation within Millard County, Utah as required by law, the following proceedings were had:

1. **WELCOME, CALL TO ORDER** – Chairman David Sturlin
Planning Commission Chairman David Sturlin called the meeting to order at 6:30 pm. He welcomed all present.
2. **Appointment of Chair and Vice Chair** - The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only. (Millard County Planning Commission Rules of Order Adopted February 5, 2015).

Planning Commissioner Molly Stevens suggested to keep the Commission Chairman and Vice Chairman the same.

Commissioner Greg Greathouse made a MOTION to keep David Sturlin as Planning Commission Chairman and Commissioner Gary Walker as Planning Commission Vice Chairman. Commissioner Tom Neilson SECONDED the motion. The voting was unanimous in the affirmative.

3. **PUBLIC HEARING for a ZONE CHANGE** – Application # Z-2016-37 on a zone change from RF (Range & Forest 20) to AI (Ag Industrial) for property located approximately along the Millard Beaver County line, Millard County, Utah, Delta grid, for the purpose of developing a Level 4 confined animal feeding operation (CAFO) – a hog production farm. Petitioner – Murphy-Brown, LLC c/o Steve Styler. Owner – Murphy-Brown, LLC. 2,280.32 Acres.

Commissioner Gary Walker made a MOTION to open the public hearing on a zone change from RF to AI for application # Z-2016-37. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was opened at 6:34 pm.

Agent Steve Styler approached the Commission on behalf of Murphy Brown LLC and Smithfield Hog Production. He stated they submitted this application back in the fall. He stated that Smithfield Hog Production has completed an application back in November with David Johnson that is a completely separate request. With this request they are looking to convert a total of 2,280.32 acres that is currently zoned RF to AI. This property is on the Millard County and Beaver County line. He stated that included in the packet is a pretty clear map of the property. The map was provided by Adam Britt. The idea for this zone change is for Murphy Brown, Circle 4, Smithfield and all their entities to continue to expand with the ability to place commercial hog production units on this property.

Agent Steve Styler stated that the nearest home to this sight is approximately 7 miles away and it belongs to the Kaufman family. There are no other buildings within the proximity associated with this other than the existing windmills on the parcels.

Agent Steve Styler stated that this is a large amount of acreage. The reason for changing all the acreage to AI is because the hog production facilities would have very tight biosecurity requirements. It does not mean that they will fill every inch of property with hog facilities.

Commissioner David Sturlin noted that the cover page of the staff says AI to RF20. He verified that the rest of the application is correct with RF20 to AI.

Commissioner David Sturlin stated that when the Commission and BOCC approve a zone change it will make anything compatible with AI to be allowed on

the property' it does not have to be only for this hog farm. With this zone change it is not approving the hog farm. That will go through the CUP application process. Steve Styler verified to the public that they cannot apply for a CUP without this zone change.

Commissioner Tom Nielson asked for confirmation on the map of the closest home. Jim Kaufman stated his home is in Section 22. He then stated about 4 miles north of his farm is another home in section 8. It has been there about 4 years. Steve Styler stated that as of their knowledge the Kaufmans home was the only close home.

Commissioner Tom Nielson gave a short discussion on his opinions about the hog farms and dairies in Milford.

Agent Steve Styler stated that everyone that they were required to notify have been notified. He again stated that he was unaware of the other home owners out around that area in Section 8.

Commissioner Greg Greathouse asked what the hog numbers would be for this operation. Agent Steve Styler stated that they brought some numbers and maps for the Commission to review but it is not a finalized plan. Jim Webb stated that with this operation it would hold about 76,000 animals with 16 sights at 4,800 in each sight. Steve Styler stated that in comparison to David Johnson's feeding operation that would only have 4 sights. The Commission reviewed some maps provided by Jim Webb and Steve Styler of the possible operation.

Commissioner David Stulrin stated that the recommendation is that the Commission approve the zone change from RF to AI. He then stated that it meets the 8 recommended factors for a AI zone change.

Commissioner Molly Stevens asked why the proposed use is a level 4 CAFO on some of the pages and level 3 CAFO on other pages of the staff report and application. Steve Styler stated if the commission look at the current planning and zoning ordinance, a level 4 does not exist. But the application that was provided to him to fill out stated a level 4 CAFO. Commissioner Dean Draper stated he does not believe that Millard County has a level 4 CAFO. Steve Styler stated they did the best they could to supply what the ordinance requires. Commissioner Molly Stevens stated that the Commission needs to address that. Commissioner Greg Greathouse stated that is going to be part of the CUP, it is not for this application.

Jim Kaufman approached the Commission. He stated he lives out at Black Rock. He stated he has about 10,000 acres or more in this area. There is not much as a rancher or farmer that he can say about the smell because he has a feed yard that produces some smell as well. He asked Jim Webb about how long the structures will be as he cannot see that many structures on the property. Jim

Webb showed Jim Kaufman a map of the potential layout of the operation. Jim Webb stated that the buildings will only be about 400 to 500 feet long.

Millard County Commissioner Dean Draper approached the Commission. He stated he has had a couple people ask a few questions about the fiber optic cable in this proposed area. He asked if there will be any impact with trucks going in and out of the operation area. Millard County Commissioner Dean Draper stated to his knowledge the fiber optic cable goes along the Black Rock road. There was some discussion of the fiber optic line and where it is located. Jim Kaufman gave a brief reason of why the fiber optic line is there. Jim Webb stated that they will do what they can to avoid that fiber optic line to minimize the impact. If there is a fiber optic cable in the way of the sight they will move the sight to avoid it.

Millard County Commissioner Dean Draper also stated that the notice requirements to notify property owners within 1320 feet of the outer boundary have been met for this application. He then asked if there would be an additional installation on the Beaver County side of the operation. Jim Webb stated that they have a CUP application in with Beaver County with an additional 25 sights with about 240,000 animals. Millard County Commissioner Dean Draper verified that all together there will be about 315,000 animals with this operation.

Millard County Commissioner Dean Draper stated that they are having a meeting at the Millard County Fair building tomorrow (January 5th,2017) at 6:30 pm for the potential operation in the Deseret area.

Commissioner Gary Walker asked about the windmills that are already on the property. His concern was if the zone change was completed would it still accommodate the windmills on the property. He is not sure if the windmills could have been permitted under RF. Commission Gary Walker asked whether there would be access to the windmills for service and maintenance on the windmills. Jim Webb stated that even with all the biosecurity steps that they have to take they will not limit the access to the windmills. Commissioner Molly Stevens asked who would make the decision if this zone change would affect the windmills. Steve Styler stated that the windmills should be compliant in an AI zone because it is stricter than a RF zone. Commissioner Gary Walker stated that it would probably take someone to look at our zoning matrix to verify if it will comply with the proposed zone change.

Commissioner Molly Stevens asked how we can address it if it is going to be a level 3 or level 4. Commissioner Greg Greathouse stated this is just for a zone change and they can address that when they apply for a CUP.

Commissioner Greg Greathouse made a MOTION to close the public hearing for a zone change on application Z-2016-037. Commissioner Gary Walker

SECONDED the motion. The voting was unanimous in the affirmative. Public hearing was closed at 7:04 pm.

4. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-037 for a zone change from RF to AI for property located approximately along the Millard Beaver County line, Millard County, Utah, Delta grid, for the purpose of developing a Level 4 confined animal feeding operation (CAFO) – a hog production farm. Petitioner – Murphy-Brown, LLC c/o Steve Styler. Owner – Murphy-Brown, LLC. 2,280.32 Acres.

Commissioner Gary Walker made a MOTION to send a favorable recommendation to the BOCC on application # Z-2016-037 for a zone change from RF20 to AI as included in the application for the fact that it meets the 8 requirements listed in compliance with the county ordinance. Commissioner Tom Nielson SECONDED the motion. Voting was affirmative with the exception of Commissioner Greg Greathouse who abstained from voting on the motion. Motion passed.

Commissioner Greg Greathouse stated that he abstained as he feels that there should have been more people notified of the zone change.

5. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-040 for a Single Lot After the Fact Plat Subdivision for property located at approximately 100 N 3900 W, Flowell, Delta Grid, for the purpose of dividing Parcel # 7309. It is proposed that the 39.83 acre parcel be divided creating two (2) parcels – one parcel having 4.89 acres and the other parcel having the remaining 34.94 acres. Keyhole Ranch – owner. Lance and Sally Sagers - Petitioners.

Commissioner Greg Greathouse asked if there is already a home on the property. There was verification that this is an after the fact application for the subdivision but there is no home on the property yet.

Lance and Sally Sagers approached the Commission. They propose to divide a 5 acre portion of their family ranch into a single lot subdivision so they can build a home. The home would be replacing a stack yard and a holding coral.

Commissioner Greg Greathouse asked if they have already started building the home. Sally Sagers stated that the property was just deeded to them by her parents as that is what they were told to do by Sheryl Dekker. Once it was already deeded to them Sheryl Dekker notified them that it will need an application to subdivide the parcels. That is why it is an after the fact application. Lance Sagers stated that they have not starting building the home yet.

Commissioner Greg Greathouse asked if there is already water on the parcel. Sally Sagers confirmed that there is an existing well on the parcel and they already have water rights for the well.

Commissioner Molly Stevens stated that on the 2nd page of the staff report, under Analysis it shows wording from a previous staff report. There was confirmation that this property is not between Oak City and Leamington.

Commissioner Molly Stevens made a MOTION to make a favorable recommendation to the BOCC on application # Z-2016-040 for an After the Fact Single Lot Plat Subdivision. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

6. PUBLIC INPUT

7. APPROVAL OF MINUTES – November 2, 2016

The proposed minutes of the regular Commission meeting held November 2, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Gary Walker made a MOTION to approve the minutes for November 2nd 2016, as corrected. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

8. PLANNING and ZONING ADMINISTRATOR'S REPORT

9. OTHER BUSINESS

Millard County Commissioner Dean Draper approached the Commission and there is nothing that is pressing that needs to be addressed. The resource management plan is a work in progress. They were hoping to present it to the Commission in March but they hit a road bump that could delay presentation. Millard County Commissioner Dean Draper will remain the Commissioner for planning and zoning.

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

11. ADJOURNMENT

Commissioner Tom Nielson made a MOTION to adjourn. Commissioner Gary Walker SECONDED the motion. Voting was unanimous in the affirmative. The meeting was adjourned at 7:24 pm.

Dated this ___ day of _____ 2017
David Sturlin, Chairman
Millard County Planning Commission