

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
June 5, 2019**

The Millard County Planning Commission met on Wednesday June 5, 2019 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
Matthew Kesler Planning Commissioner
Tom Nielson..... Planning Commissioner

EXCUSED: Greg Greathouse Planning Commissioner
Molly Stevens Planning Commissioner
Demar Iverson Planning Commissioner

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Richard Waddingham Millard County Deputy Attorney
LuAnne Miller Secretary
Dean Draper Millard County Commissioner
Monique Draper Millard County Resident
Whitt Sorenson Farm Bureau
Erin Sorenson Farm Bureau
Chad Osguthorpe Farm Bureau
Steven Styler Styler Daniels PC
Ed Brown Millard County Resident
Sylvia Brown Millard County Resident
Tony Cabral Millard County Resident
Ray Lyman..... Millard County Resident
Paul McCollaum..... Millard County Resident
Camron Nielson Millard County Resident
Melanie Nielson Millard County Resident
Brian Willoughby Millard County Resident
Kiley Chase..... Delta City Council
Bob Viveiros..... Millard County Resident
Brett Bunker Delta City Council
Lorena Viveiros..... Millard County Resident
Randy Coats Millard County Resident
Michael Coats Millard County Resident
Traci Warnick..... Millard County Resident
Chad Warnick Millard County Resident
Darren Smith..... Millard County Resident
Cynthia Kaufman Black Rock Resident

Jim Kaufman.....	Black Rock Resident
John Niles.....	Delta City Mayor
Kasey Callister.....	Vara 3D
Kevin Knight.....	Millard County Resident
Brett Behling.....	Sandy Utah Resident
Boyd Carter.....	Millard County Resident
Tina Carter.....	Millard County Resident
Syd Bassett.....	Millard County Resident
Don Knight.....	Millard County Resident
Neal Gardner.....	Millard County Resident
Trent Anderson.....	Millard County Resident
Michael Corey.....	Millard County Resident
Betty Jo Western.....	Delta City Council
Shiloh Lewis.....	Millard County Resident
Gibson Lewis.....	Millard County Resident
Bill Shumway.....	Millard County Resident
Nick Killpack.....	Delta City Council
Scott Patton.....	Cal-Maine Foods
Caleb Patton.....	Cal-Maine Foods
Linda Beard.....	Delta City Planning and Zoning
Daniel Brown.....	Millard County Resident
Gregg Skeem.....	Millard County Resident
Kris Skeem.....	Millard County Resident
Linda Sorensen.....	Delta City Planning and Zoning
Rick Roper.....	Millard County Resident
Craig Johnson.....	Millard County Resident
Heber Finlinson.....	Millard County Resident
Shelly Finlinson.....	Millard County Resident
Kelly Carter.....	Oversons Farm Center
Scott Barney.....	MEDA
Chet Simper.....	Millard County Resident
David Johnson.....	Millard County Resident
Andy Nickle.....	Millard County Resident
Amber Nickle.....	Millard County Resident
Donald Brown.....	Millard County Resident
David Grey.....	Millard County Resident

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 Commissioner Chairman David Sturlin called the meeting to order at 6:42 pm. He welcomed all present

2. PUBLIC INPUT

No Public input at this time.

3. PUBLIC HEARING- Application # Z-2019-011 for a C-1 Conditional Use Permit for an Accessory Dwelling Unit for an Employee at property located approximately 3565 West 8500 North, Delta, UT CAL-MAINE FOODS—Applicants

Commissioner Joyce Barney made a MOTION to open public hearing for Application # Z-2019-011. Commissioner Matt Kesler SECONDED the motion. Voting was unanimous in the affirmative.

Scott Patton explained use of existing buildings and stated these buildings were only to be intended for employees of CAL-MAINE FOODS.

There was discussion of roads, address and power already being available to the locations.

Commissioner Tom Nielson made a MOTION to close the public hearing. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative. Public Hearing closed.

4. REVIEW and POSSIBLE RECOMMENDATION – Application #Z-2019-011 for a C-1 Conditional Use Permit for an Accessory Dwelling Unit for an Employee at property located approximately 3565 West 8500 North, Delta, UT. CAL-MAINE FOODS – Applicants

Commissioner David Sturlin read recommendation from staff report.

Commissioner Joyce Barney made a MOTION to send a favorable recommendation to the BOCC for application Z-2019-011 for a C-1 Conditional Use Permit for an Accessory Dwelling Unit for an Employee at property located approximately 3565 West 8500 North. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2019-012 for a Non-Plat Subdivision of property located at approximately 4110 S 2600 W, Delta Address Grid (Oasis). It is proposed that a 9.5 acre residential-zoned parcel be divided into nine (9) lots, each having a minimum of 1.02 acres to create residential building lots. Camron Nielson – Applicant]

Applicant Camron Nielson approached the Commission and gave description of his application. He will be building a home on one of the lots.

There was discussion of applicant getting his water from Deseret/Oasis service and his power will be from Rocky Mountain Power.

There was discussion and confirmation of the road access to the property.

Commissioner Joyce Barney stated we are getting a lot of Non-Plat subdivisions applications and these applications take away the agricultural production ground.

Surrounding property owner Rick Roper addressed the Commission and stated there are too many homes out there right now on this agriculture land.

Commissioner David Sturlin read the recommendations listed in the staff report. There was discussion of this being only split once for a non-plat subdivision.

Surrounding property owner Daniel Brown approached the Commission and wanted to clarify that this property is already zoned residential and whether it would impede the expansion of their bee business.

Commissioner Tom Nielson made a MOTION to send a favorable recommendation to the BOCC for application Z-2019-012 for a Non-Plat Subdivision of property located at 4110 S 2600 W. Commissioner Matt Kesler SECONDED the motion. Voting was unanimous in the affirmative.

6. PUBLIC HEARING – Application #Z-2019-010 a Zoning Ordinance Amendment Application – Text Amendment amending the Classifications and Requirements for Animal Feeding Operations (AFOs and CAFOs) in Title 10-18-24 and the Table of Uses and Accompanying Use Definitions, Located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance, to:

- a. Add Confined Concentrated Animal Feeding Operations (Confined CAFO) as a defined C-2 Conditional Use.
- b. Establish setbacks and other requirements for Confined Concentrated Animal Feeding Operations (Confined CAFOs).

Planner Adam Richins gave explanation of proposed amendment prior to public hearing. He spoke of current uses in the zoning ordinance. He stated the amendment is to increase the distance from some of the animals that have more odor.

Commissioner Tom Nielson made a MOTION to open the public hearing for Application Z-2019-010 a Zoning Ordinance Amendment Application. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Rick Roper asked that more explanation be given.

Whitt Sorenson inquired what the reasoning was for the 10 mile setback.

Commissioner Nielson expressed that the Commission is trying to avoid problems that have already happened in other counties concerning smells too close to the residents and businesses.

Steve Styler stated the distance setback was too far and may keep companies from starting new operations. He stated from a language perspective the 10 mile setback is difficult. From a business standpoint businesses need certainty as it is hard to invest or spend money on due diligence just to come in to an area when you don't know what the target is. He stated 10 miles is very difficult when there are limits or can be expanded all the way up to such a distance when it is identified as a critical spot.

Steve Styler stated there is one current spot that is being looked at within Millard County for a traditional wean to finish barn. It would be between 8 and 9 thousand animals. It is away from homes with prevailing wind patterns. This ordinance would jeopardize this facilities future of coming to Millard County because of the mileage setback distances.

Steve Styler stated he has proposed some language to Planner Adam Richins yesterday if we wanted to increase the setbacks from a residential zone, which this currently does not contemplate. He thinks 1.5 miles from a single residence is too far. He believes that a 1 mile setback is appropriate from a single home. He stated as an alternative he proposed 2 miles from a residential area like Sutherland, Deseret, and Oasis etc. He also suggested 3 miles from a municipal would be sufficient. This would be a more sound approach to allow Ag to grow without being fearful of a 10 mile radius that could be waived at any moment

Don Knight spoke of the County recruiting dairies and feedlots years ago. Land owners do not want to do anything to discourage the communications with alfalfa growers, feed lots and dairies. There was discussion the pigs do not coincide with the alfalfa or farms.

Brett Bailey opined that this new ordinance may prevent and limit the growth of Ag in Millard County.

Erin Sorenson shared concern that setbacks varied with each application and feels it would be better to have a set distance, but that 10 miles is too far.

Neal Gardner mentioned there is a smell from feed lots, but he's not going to haul it away. People will have to deal with it. They want to eat and drink milk. He is looking at putting dairy cows in barns which provides a controlled environment. Doesn't want something put into place that could deter his growth. Doesn't want a limit.

There was discussion that cows wouldn't fall into this mitigation at all.

Jim Kaufman said they are 7 miles from Milford pig farms and they can definitely smell them. Discussion followed that some Millard County residents that would like the 10 mile setback as they are concerned of the smell.

Kelly Carter state concerns about the amendment language and believes it may prevent growth. Suggestions of changing zones in certain areas and not have a distance restriction as there is technology that can handle the odor.

Dave Johnson stated that he backed away from the pig farm years ago. He said people should not be persuaded by information provided by one crazy lady. He feels that people need to be informed so they can make educated decisions.

Donald Brown is concerned of feed lots and dairies going away. AG is part of his life and Millard County is Agriculture.

Whitt Sorenson spoke again. Concerned about limiting even the dairies that are confining their animals. He expressed concern that Millard County would have the largest setback in the nation.

Planner Adam Richins spoke about the 10 mile limitation was a maximum distance that could be reduced if the applicant could demonstrate that they will implement mitigating measure and be good neighbors.

Kevin Knight stated that while he does not own animals, he has concerns about home owners who move into AG areas and then want to limit what farmers do. He is worried about giving power to the home owners that are moving into AG areas. Is the setback distance from a home or city limits?

Daniel Brown reiterated the same question—is it a distance from homes or city limits? Planner Adam Richins described the specific setback distances. Mr. Brown said he feels the restrictions are too much.

Tracy Warnick spoke of the possible future loss of about 200 jobs with IPP. We don't want to be unfriendly to AG coming in. These restrictions may cause companies to pass by Millard County.

Planner Richins shared that he is often a first point of contact when prospective businesses make inquiries about restrictions and requirements for projects. He doesn't believe businesses will bypass Millard County without at least having a discussion.

Randy Coats spoke in favor of 1 ½ mile limitation as is now.

Paul McCallum said he feels people should be able to do what they want with their property.

Ed Brown expressed that rules and regulations destroy the rights of people.

Heber Finlinson shared his concern that the language didn't show that anything was negotiable. Concerned that it is not consistent.

Joyce Barney explained that when a person applies for permits then the Conditional Use Permitting process allows an applicant to establish set backs on actual animal units.

Chad Warnick stated concern of the variation that one applicant could be approved and another denied. He said there would not be consistency.

David Grey spoke of other litigation with the residents in proximity to the hog farm near Flowell. He said Millard was a non-friendly-to-AG County. He said too much authority is placed in Commissioners, etc. He has concerns with fencing laws in the county. He wants the current ordinance to be left alone.

Chet Simper said he is new to the area and does not want regulations to harm Millard County as it has in the areas he came from.

Commissioner Joyce Barney Made a MOTION to close the public hearing. Commissioner Matt Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed.

7. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2019-010 a Zoning Ordinance Amendment Application – Text Amendment amending the Classifications and Requirements for Animal Feeding Operations (AFOs and CAFOs) in Title 10-18-24 and the Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance, to:

- a. Add Confined Concentrated Animal Feeding Operations (Confined CAFO) as a defined C-2 Conditional Use.
- b. Establish setbacks and other requirements for Confined Concentrated Animal Feeding Operations (Confined CAFOs).

There was discussion amongst the Commission members whether it would be best to table this item to allow the public to submit written comments.

There was discussion that a moratorium was placed and it is important to make a recommendation on this to be able to lift the moratorium.

There was discussion that this recommendation would require a unanimous vote because there are only 4 commission members in attendance and the minimum vote requirement is 4 of the seven members.

Commissioner Tom Nielson made a MOTION to table this agenda item to receive further information. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

There was discussion that the public hearing has been closed but the Commission will continue to receive written comments about this item.

8. OTHER BUSINESS

No other business was discussed at this time.

9. APPROVAL OF MINUTES – June 5, 2019 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held June 5, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for June 5, 2019 as corrected. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

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

11. ADJOURNMENT

Commissioner Matt Kesler made a MOTION to adjourn. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2019
David Sturlin, Chairman
Millard County Planning Commission