

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 2nd, 2019**

The Millard County Planning Commission met on Wednesday October 2, 2019 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
Demar IversonPlanning Commissioner
Molly StevensPlanning Commissioner
David Sturlin Planning Commission Chairman
Matthew KeslerPlanning Commissioner

EXCUSED: Greg GreathousePlanning Commissioner

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Dale HamakerHinckley Resident
Joseph A Taylor.....Hinckley Resident
Beau TaylorDeseret Resident
Kim Taylor.....Hinckley Resident
Jim Dutson.....Hinckley Resident
Terri SmithHinckley Resident
Kristen Hathaway.....Hinckley Resident
Mykalee HathawayHinckley Resident
Jon OdenthalValley Agronomics
Dale Dyer.....Valley Agronomics
Mark McDougal.....Triple C Farms
Aaron McDougal.....Mountain Pure
Jose Luiz Martinez.....Abraham Resident
Holly JosephHinckley Resident
Diane GreenerHinckley Resident
Gary Greener.....Hinckley Resident
Sam Nicholls.....Hinckley Resident
Pat Manis.....Hinckley Resident
Kris BunkerDelta Property Owner
Mike Jackson.....Abraham Resident
Laurie Jackson.....Abraham Resident
Tim CraftsHinckley Resident
Skip Taylor.....Hinckley Resident
Martin HurtadoDelta Resident

Shawn Petersen Delta Resident
 Phil Diaz..... Delta Resident
 Doyle Dutson Hinckley Resident
 Thomas G. Miller Hinckley Resident
 Larry Dutson Delta Resident
 Richard Young Delta Resident
 Cheryl Young Delta Resident
 Joy Partridge..... Hinckley Resident
 Ruben Partridge..... Hinckley Resident
 Bethany Atkinson..... Hinckley Resident
 Karson Atkinson..... Hinckley Resident
 Pat Franklin..... Hinckley Resident
 Danie Franklin..... Hinckley Resident
 Kyle Swallow..... Flowell Resident
 Vern Stewart Meadow Resident
 Tyler Stewart..... Meadow Resident
 Verl Tolbert Abraham Resident
 Erin Sorenson Delta Resident
 Whitt Sorenson Delta Resident
 Kelly Jacklin Delta Land Owner
 Ray Jacklin Delta Land Owner
 Richard Nell Hinckley Resident
 John S Hinckley Resident
 Jason May Delta Resident
 Shirley Westenskow..... Elwood Staffing
 Matt Ward Chronicle Progress
 Kenneth Skeem Hinckley Resident
 Dawson Spidle..... Delta Resident
 Cleve Christensen Kanosh Resident
 Marjean Christensen..... Kanosh Resident
 Vicki Allen Applicant
 Loreta Whicker Fillmore Resident
 Margene Stevens..... Hinckley Resident
 Scott Barney MEDA
 Janet Dutson..... Deseret Resident
 Sarah Skeem Hinckley Resident
 Mark Losee Delta Resident
 Gwen Losee..... Delta Resident
 Jill Brown Abraham Resident
 Laura Schena Abraham Resident
 Tresa Martin..... Delta Resident
 Michael Palmer Hinckley Resident
 Chad Warnick Delta Resident
 Roger New Applicant
 James Kaufman Blackrock Resident
 Cynthia Kaufman Blackrock Resident

Brian FlorangHinckley Mayor
Leanne Diamond Peak Minerals Inc.

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 6:35 pm. He welcomed all present.

2. PUBLIC INPUT

Planner Adam Richins stated he has received comments and would like the public to know they will be submitted to the BOCC.

3. PUBLIC HEARING—Application #Z-2019-020 for a C-2 Conditional Use Permit to conduct Surface Mining on property located within the Range and Forest (RF) zone, approximately 23 miles southwest of Deseret-Peak Minerals, Inc. Applicant

Commissioner Joyce Barney made a MOTION to open a public hearing on application Z-2019-020 for a C-2 Conditional Use Permit. Commissioner Demar Iverson SECONDED the motion. Public hearing opened at 6:36 pm.

Steve Styler approached the Commission and gave a description of the project.

Environment Manager Leanne Diamond with Peak Minerals gave a presentation of the project including a power point and a few maps. She stated the SOP (Sulfate of Potash) is commonly used as a premium fertilizer.

Leanne Diamond stated they have already obtained several permits including one with the BLM Environmental Impact Statement /Record of Decision.

Leanne Diamond stated there will be up to 300 employees during the construction phase that will start in 2020. After the construction there will be 150 to 200 employees for the life of the operation.

Leanne Diamond stated Peak Minerals has hosted public meetings all the way back to 2011 to acquire about the project.

Attorney Steve Styler showed a graph of the approved water rights from the state engineer. There is 6 different water rights being used for this project.

Commissioner Tom Nielson asked if they have a plan in place if the property was to flood. Leanne Diamond stated they have hundreds of trenches. Attorney Steve Styler stated they have mechanisms in place by the state engineer.

Shirley Westenskow with Elwood Staffing stated that Peak Minerals has been very good about hiring locals for this project so far.

Commissioner Dave Sturlin read recommendations 19 (Recordation) as listed on the staff report.

Commissioner Joyce Barney asked if any of this land is part of The National Defense Zone. Leanne Diamond stated they have a memorandum of understanding with The National Defense Zone.

There was a discussion about an emergency services plan. Leanne Diamond stated they are still working on that at this time. Commissioner Joyce Barney stated this needs to be addressed in the recommendation. Attorney Steve Styler stated before construction begins there will be an emergency service plan in place. He stated it will probably be a joint effort between the two counties.

There was discussion on the road agreement that has not been finalized.

There was discussion on the water rights being subject to proof. Attorney Steve Styler stated they have been approved in 2014 and they will send the copies of the water rights to the Commission.

Commissioner David Sturlin asked if there is a projected time frame for this project. Steve Styler stated they have a diligence period. He then stated the life of the project is projected to last 35 years and may continue through the life of the project. Planner Adam Richins stated they have talked to the State Engineer about this project. He stated these conditions would usually go through the life of the project. There was discussion on the reclamation of the project.

There was discussion of the amount of private lands used for the project.

Ken Skeem asked for verification of the water rights and usage of potable water.

Commissioner Tom Nielson made a MOTION to end public hearing on application Z-2019-020. Commissioner Matt Kesler SECONDED the motion. Public Hearing Closed at 7:14 pm.

- 4. REVIEW and POSSIBLE RECOMMENDATION** – Application #Z-2019-020 for a C-2 Conditional Use Permit to conduct Surface Mining on property located within the Range and Forest (RF) zone, approximately 23 miles southwest of Deseret-Peak Minerals, Inc., Applicant

There was discussion if the applicants have a road agreement with Millard County. Planner Adam Richins stated we usually defer to the County Attorney if bonding is requested for the road maintenance agreement.

Planner Adam Richins gave some comments of the discussion he had with the state engineer about the water rights.

Commissioner Tom Nielson made a MOTION to give a favorable recommendations to the BOCC on Application Z-2019-020 for a C-2 Conditional Use Permit for Surface Mining with the conditions recommended in the staff report,

1. Approve the C-2 Conditional Use Permit for Surface Mining with reasonable conditions.
2. Basis for Issuance of a Conditional Use Permit:
 - a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b) The proposed use is allowed within the Zoning District as identified in Chapter 8.
 - c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
 - d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
 - f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
 - h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-04, 12-4-2012)
3. Approve the Permit with the following reasonable conditions:
 1. **Federal and State Permitting Requirements.** Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this decision shall be deemed to authorize

any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that it authorizes the use of the subject premises in the manner authorized herein.

2. **Plans to be on File.** Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the project.
3. **Required Reporting to be on File.** Required reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the Facility. Developer shall provide notice to the BOCC, County Attorney, County Planner, and County Representative of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.
4. **Final Studies and Documents to be on File.** Prior to the issuance of Building Permits or commencing construction or operation, Developer shall provide to the Office of the County Planner documentation that Developer is in compliance with applicable Federal or State Agency requirements relating to the construction and operation of the project. Upon completion of construction, as-built construction drawings and site plans shall be provided to the Office of the County Planner.
5. **Independent Specialist Review.** In reviewing application and reporting materials submitted by Developer under this Agreement, the County may engage an independent specialist, at the County's choosing, to review all reports, materials, and other correspondence filed with a governmental agency related to the construction, operation, and maintenance of the Project. Developer will provide cost recovery to the County for these reviews. The County will identify, treat, and protect these reports and any supporting documents as confidential business information, unless or until this information is deemed to be public information.
6. **Building Permits.** Developer shall apply for and comply with the requirements for the issuance of Building Permits, including payment of fees based on adopted fee schedules. Prior to the issuance of a Building Permit, Developer shall provide documentation to the Office of the County Planner that Developer has received the required Federal and State Permits and Licenses required for the construction and operation of the new facility.
7. **Property Owner and Permittee Notice.** Not less than fifteen (15) calendar days prior to the commencement of any construction occurring within the project area, Developer shall notify private property owners, as identified as part of the application procedures, described below, and livestock permittees of record utilizing land located within one-half (1/2) mile of the Development Area boundary.

This notice shall include a Construction Schedule for the project. Any material deviation (s) from the Construction Schedule shall be communicated by supplemental notice(s) to affected private property owners and livestock permittees of record in a timely manner. The notice(s) shall include a Developer contact, contact phone number and email address, with a copy provided to the County Planner to facilitate communication and coordination

8. **Insurance.** Developer shall provide a list of all project specific insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Developer shall provide updated lists from time to time as needed to reflect current changes in insurance coverage(s).
9. **Warning Signage.** Developer shall provide Facility warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.
10. **Worker Housing.** Developer shall include provisions in construction contracts/agreements relating to construction within the Development Area requiring construction workers to reside in appropriate and designated housing facilities and locations and prohibiting temporary construction worker housing in any undesignated areas or remote locations of the County.
11. **Road Agreement.** Developer and Millard County have previously entered into a preliminary road construction and maintenance agreement, dated April 2, 2019. Developer shall enter into a final road construction and maintenance agreement with Millard County prior to commencing construction of the project.
12. **County Representative.** The BOCC has the right to identify and designate an employee or elected official to act as the County Representative in all administrative matters required herein, and for the efficient administration of the CUP(s) and for coordination and communication with Developer and the various County Offices and Staff.
13. **Pre-Construction Meeting.** Prior to any construction occurring within the project area, the County shall have the option of holding a Pre-Construction meeting with necessary County Officials and Staff, Developer representatives and consultants, and representatives from the governmental agencies regulating the construction of the Facility, as determined necessary by the County representative and County Planner.
14. **Necessary Conditional Use Permit Modifications.** The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (# Z-2019-020) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable,

for the application and consideration of a Conditional Use Permit Amendment Application.

- 15. Minor Facility Plan Changes.** Minor Facility plan changes may be required for the project. To promote efficiency in the review and approval of minor facility plan modifications, the County Representative and County Planner are authorized to jointly review and approve or deny all minor facility plan modifications, provided any approved minor facility plan modification does not materially affect the intent and purposes of this Conditional Use Permit. The County Representative and County Planner may consult with the County Attorney in determining if proposed facility plan modifications may be determined to be a minor site plan change. A proposed facility plan change that is not determined to be minor facility plan modification by the County Representatives and County Planner shall be presented to the Planning Commission and BOCC as a Conditional Use Permit amendment, as provided for herein.
- 16. Amendments.** All changes and modifications to this Conditional Use Permit, and not determined to be a minor facility plan modification, shall be considered by the Planning Commission and BOCC as an amendment to this Permit and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.
- 17. Incorporation by Reference.** All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.
- 18. Inconsistencies and Ambiguities.** Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.
- 19. Recordation.** Upon the approval and execution of Conditional Use Permit # Z-2019-020, this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, County representative, and Developer.

Along with adding conditions to have an emergency plan in place and add bonding on the roads as required by the County Attorney. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

- 5. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2019-034 for Storage, Wholesale, and Warehousing at property located approximately 1000 North and North Center Street, Delta-Valley Agronomics, Applicant**

Commissioner Tom Nielson made a MOTION to open public hearing for Application Z-2019-034. Commissioner Matt Kesler SECONDED the motion. Public hearing opened at 7:25 pm.

Property Owner Kris Bunker approached the Commission and gave a description of the CUP.

Kelly Jacklin approached the Commission. She asked about the hours of operation and the amount of trucks that will be traveling on this road. She stated she is the property owner of the Frank Bringard property. She asked to consider this as to how it will affect the surrounding property owners.

Kris Bunker stated that the truck access will be on the roads. He stated that he owns most of the surrounding property. He has already talked to the County about the roads. Kris stated that the fertilizer is very well contained. It will mostly be on the east side of Frank Bringard Property. Kris Bunker stated that Morrison Fertilizer has been a neighbor to the Frank Bringard Property for many years and this is no different than that business.

Dale Dyer approached the Commission and responded to the hours of operation. He stated it is seasonal but most of the hours will be remote. They will mostly be normal business hours. Dale Dyers stated the traffic will be about 50/50 between semis and train cars. There was discussion of the road agreements. Planner Adam Richins stated that the first agreement on the staff report is to have a road maintenance agreement.

Kris Bunker stated that the company will have to get their own water rights for the culinary water.

Commissioner Tom Nielson asked about how many employees this business will have. Dale Dyer stated that there will be 10 to 15 employees with full benefits and 401K.

Dale Hamaker asked if these conditions are in the staff report. There was verification that these conditions are up to the applicants to comply.

Commissioner Joyce Barney asked once the applicant is ready to start phase 2 if they are willing to come back for a review. There was also discussion if there is an expiration date. Planner Adam Richins stated there is not an expiration date.

Commissioner Joyce Barney stated the Commission can add a condition to have the water rights in place before construction is permitted.

There was discussion that the applicants are in an industrial zone just like the surrounding business so we can't really put a limit of the hours of operations on the recommendation.

Commissioner Joyce Barney read the proposed reasonable conditions.

There was a discussion of parking and access for the customers.

Commissioner Joyce Barney made a MOTION to close the public hearing for application Z-2019-034. Commissioner Tom Nielson SECONDED the motion. Public hearing closed at 7:46 pm.

6. REVIEW and POSSIBLE APPROVAL – Application #Z-2019-034 for Storage, Wholesale, and Warehousing at property located approximately 1000 North and North Center Street, Delta—Valley Agronomics, Applicant

Commissioner Joyce Barney made a MOTION to approve application Z-2019-034 for a C-1 CUP with the following conditions:

- A. A road Maintenance Agreement be established with Millard County for truck traffic on county roads.
- B. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- C. Access to the property shall limited to a single driveway for ingress and egress.
- D. No on-street parking shall be permitted on or along 1000 North.
- E. Signage shall comply with Millard County sign regulations
- F. Site area lighting shall be downward directed.
- G. Owner shall be responsible for all site security.
- H. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval. Additionally, this permit may be reviewed at any time in the event of compliant or request from any surrounding property owner.
- I. Review CUP prior to Phase 2.
- J. Evidence of sufficient water is required.

Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE APPROVAL – Application # Z-2019-028 for a Non-Plat Subdivision of property located at approximately 4500 north 7000 West, Delta Address Grid (Abraham). It is proposed that a 75 acre agriculture-zoned parcel be divided into seven (7) lots, each having approximately 10.42 acres—Roger A. New, Applicant

Applicant Roger New approached the Commission and gave a description of the application.

There was discussion of the water permit. Planner Adam Richins stated that the applicant needs to add in the plans that they would need appropriate utilities and

easements. As far as creating the parcels it is not a requirement to have the water in place to make the division of the land. There was discussion that the water permit would come in place and necessary when they come for a building permit.

There was discussion that this is not open for public input.

There was discussion of this application being complete and everything has been beyond the requirements.

There was discussion of Use Restrictions and Lot size listed on the conditions. Planner Adam Richins stated these are directly from the county code.

There was discussion of the canals not being used in that area. Adam stated this would not amend any of the canals.

Commissioner Tom Nielson made a MOTION to approve application Z-2019-028 for a Non Plat Subdivision as recommended in the staff report including conditions:

- A. Conditions: Any property owner or an owner's agent (hereinafter "property owner") may submit to the county recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer parcels, without the necessity of recording a final plat if:
 1. The planning commission has reviewed the document and has given the county commissioners its recommendation on the subdivision application; and
 2. The Document contains a certification of approval signed by the chairman of the county commissioners or his designee that:
 - a. The planning commission has given its recommendation to the county commissioners;
 - b. The subdivision is not traversed by the mapped lines of a proposed street as shown in the master plan and does not require the dedication of any land for streets or other public purposes;
 - c. Each parcel in the subdivision meets the minimum area, width, access, and frontage requirements of the zone in which the property is located, or has been granted a variance from those requirements by the board of adjustment.
- B. Use Restrictions: The uses on parcels created under this section must be either permitted or conditional uses in the zone district in which they are located. Non Plat subdivisions which result in the creation of three (3) or fewer lots will be presumed to be for the primary purpose of supporting agricultural uses rather than for primarily residential purposes.

- C. Lot Size: The sizes of the lots created in a three (3) or fewer lot, Non Plat subdivision may be smaller than the minimum lot size required in the zone in order to preserve agricultural land uses.
- D. One Time Process; Information on Deed: This special provision may be utilized only once per parcel of property. Parcels of land which are subdivided under these special circumstances must be deed restricted with a notation on the documents of conveyance that this one time election has been exercised and that the resulting parcels may not be further subdivided without recordation of an approved subdivision plat. The deed restriction shall also contain a statement that subsequent owners of the created parcels are on notice that the parcels are in an agricultural zone, were created for the support of agricultural activities, and may be subject to the noises, odors and other conditions typical of agricultural activities. (Ord. 01-08-27A, 8-27-2001, eff. 10-08-2001)

Commissioner Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

8. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2019-029 to change the zoning of property located approximately 9 miles west of Hinckley from Range & Forest (RF) to Agricultural Industrial (AI) to allow for the permitting and subsequent construction of a Hog Production Facility—Steel Weston, Applicant

Commissioner Tom Nielson made a MOTION to open public hearing for Application Z-2019-029 for a zone change. Commissioner Matt Kesler SECONDED the motion. Public hearing opened at 8:04pm

Applicant Steele Weston approached the Commission and gave a description of the proposed project.

Jim Dutson approached the Commission he stated that the major issue he has with the project is the location. But the water supply is another issue that he has. He does want Mr. Weston to succeed but not at the requested location. There was discussion of the water table dropping because of this project.

Roger New Approached the Commission with discussion of the slaughtering and the biological waste. Steele Weston stated they have many state requirements that they have to follow for these issues. They are wanting to catch the waste in basins and use it for fertilizer on farmers land.

There was clarification of the conditions that will be brought up for a feeding operation.

Applicant stated that they supported the setbacks of the new ordinance. They picked out 55 locations for the proposed hog farm and this location is the furthest

away from towns. Steele Weston stated they have exceeded and went above and beyond what the ordinance said as far as the location for this project.

Macklen Hathaway stated that she has a concern of the property value along with the concern of this land being used for recreation. Planner Adam Richins stated that this proposed land is all private land.

Feral Hatch approached the Commission. He stated hogs transmit a lot of diseases. Applicant stated that study after study shows the problem with the disease is from having multiple pigs in a family's back yard.

Brian Florang approached the Commission and stated in consideration of the zone change the area will detour a lot of public use from the surrounding public land. This will have a negative impact on the operations that already exist out in that area. He stated that as a resident he is wanting to deny the zone change.

Jim Dutson approached the Commission and stated that Greg Leasher is a neighboring land owner out in the proposed area. He has drilled many wells on his property and has been very unsuccessful. Jim Dutson stated that Greg Leasher has to haul his water supply to his property. With this it is concerning of the facility getting water for the project.

Erin Sorenson approached the Commission and addressed that this is a zone change and thinks this is a good location for the project. She supports the application.

Kim Taylor Approached the Commission and stated to leave it as is because the majority of the people present does not want the change.

Dale Hamaker approached the Commission and stated this project will environmentally affects the valley.

Joe Taylor approached the Commission and stated he has the same concerns as others and would like to deny the zone change.

Gwen Losee approached the Commission and discussed the low water table out in the Hinckley area.

Richard Nell approached the Commission. He stated he has seen these things happen in other towns where the odor has been really bad and the city made the company's shut down or move out of the area. These included farms and mink farms.

Baue Taylor agrees with everyone and wants to deny this zone change.

Terri Smith asked what the benefits will be to the community when this business comes in. She would also like to know if the tax payers will be subsidizing the hog farm. She is also worried about the water table.

Whitt Sorenson approached the Commission and stated he was at the previous meetings when the ordinance was changed. He is not sure how the Commission can deny the zone change when it meets all the requirements.

Steele Weston addressed the water concerns and stated that they estimate using 172 acre feet per year. He wants to be in partnership with this community. This will be a national standard hog farm. This will benefit the community with tax revenue of \$13000 per barn which is in line with other profitable companies in the community. There will only be about 7 employees at this project but it will be high income jobs. These are less than half the size of the farm in Milford.

Gene Boardman approached the Commission and discussed the prevailing winds of this plan. He thinks this facility would be out pretty far. He stated that the Commission has stated that these operations can be built in the county.

There was discussion of what would be allowed in an AI zone.

Commissioner Joyce Barney made a MOTION to close public hearing on application Z-2019-029. Commissioner Demar Iverson SECONDED the motion. Public hearing closed at 8:55 pm.

9. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2019-029 to change the zoning of property located approximately 9 miles west of Hinckley from Range & Forest (RF) to Agricultural Industrial (AI)—Steel Weston, Applicant

Commissioner Tom Nielson stated that the Commission hashed this stuff over months ago and made many stipulations and this follows those stipulations.

Commissioner Joyce Barney asked if this was already zoned AI if this would need to be the 10 miles out. Planner Adam Richins stated that the cap would be 10 miles out and 30,000 pigs would require the 10 mile setback. There was discussion that it is possible to amend the setbacks with sufficient evidence and following other applications and procedures.

Commissioner Molly Stevens disclosed that she is the listing agent on the property.

Commissioner Joyce Barney made a MOTION to make an unfavorable recommendation for a zone change as from the evidence of what came out from the public hearing has given substantial evidence that there needs to be substantial engendering done on this land. Along with how we can avoid this from contaminating the water aquifer. Commissioner Demar SECONDS the motion. Commissioners Matt Kesler, Commissioner Molly Stevens, and Commissioner Tom Nielson Apposed. Motion Failed.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation on application Z-2019-029 for a zone change with the stipulation that the flood zone be investigated. Commissioner Matt Kesler SECONDED the motions. Commissioner Joyce Barney and Commissioner Demar Iverson Opposed. Motion passed.

10. PUBLIC HEARING—Zoning Ordinance Map Amendment Application # Z-2019-033 to change the zoning of property located approximately 580 South 200 West, Fillmore from Residential (R) to Light Industrial (LI) to allow for the permitting and subsequent construction of additional storage buildings—David & Vicki Allen, Applicants

Commissioner Molly Stevens made a MOTION to open public hearing on application Z-2019-033 for a zone change. Commissioner Demar Iverson SECONDED the motion. Public hearing opened at 9:07 pm.

Applicant Vicki Allen approached the Commission and gave description of her project. Vicki Allen stated they would like it rezoned back to LI.

Commissioner Tom Nielson asked if it is just her property on the application. Applicant stated it is just the 2 acres of her property. Vicki Allen stated that there is houses north of the property.

Cleve Christensen approached the Commission and stated this makes no difference of what is already there. This will not impact anyone else.

Commissioner Molly Stevens stated this is a needed service in the area and the storage units that are already on the property are always clean.

Marjean Christensen approached the Commission. She stated that the units are always full and in need in that area.

Loreta Whicker approached the Commission and stated that there is a great need and this is a great location.

Commissioner Joyce Barney made a MOTION to close the public hearing on application Z-2019-033. Commissioner Demar Iverson SECONDED the motion. Public hearing closed at 9:17

11. REVIEW and POSSIBLE RECOMMENDATION – Zoning Ordinance Map Amendment Application # Z-2019-033 to change the zoning of property located approximately 580 South 200 West, Fillmore from Residential (R) to Light Industrial (LI)—David & Vicki Allen, Applicants

Commissioner Tom Nielson made a MOTION to send a favorable recommendation to the BOCC on application Z-2019-033 to change the zoning of property located approximately 580 South 200 West, Fillmore from Residential (R) to Light industrial (LI). Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

Planner Adam Richins stated the site plan that has been submitted has the 10 foot minimum setbacks that need to be included. Planner stated if we add the set back now they can proceed and it would simplify things down the road.

Commissioner Tom Nielson made a MOTION to amend the prior motion for application Z-2019-033 to include the 10 foot offsets as according to the property owner's map. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

12. OTHER BUSINESS

No other business at this time.

13. APPROVAL OF MINUTES – August 28, 2019 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held August 28, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Tom Nielson made a MOTION to approve the minutes for August 28th, 2019 as corrected. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

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

15. ADJOURNMENT

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

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