

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
September 2, 2020**

The Millard County Planning Commission met on Wednesday September 2, 2020 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:**

John Nye.....Planning Commissioner  
David Sturlin ..... Planning Commission Chairman  
Greg Greathouse .....Planning Commissioner  
Demar Iverson .....Planning Commissioner

**EXCUSED:**

Tom Nielson.....Planning Commissioner  
Joyce Barney ..... Planning Commission Vice Chairman  
Matthew Kesler .....Planning Commissioner

**ALSO PRESENT:**

Adam Richins..... Planning and Zoning Administrator  
Angi Meinhardt..... Secretary  
Dean Draper .....Millard County Commissioner  
Randie Smith .....Applicant  
Greg Smith.....Applicant  
William Ashby ..... Millard County Resident  
Roger Killpack..... Millard County Resident  
Phil Morrison..... Millard County Resident  
Janet Smith..... 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 6:35 pm. He welcomed all present.

**2. PUBLIC INPUT**

No public input at this time.

- 3. PUBLIC HEARING**—Zoning Ordinance Map Amendment Application #Z-2020-021 (Revised) requesting to change the zoning of 40 acres of property located approximately 1.5 miles northwest of Sutherland from Agriculture (Ag) to Agricultural Industrial (AI) to allow for the permitting and subsequent construction of a Confined Animal Feeding Operation-G&R Livestock Inc., Applicant

Commissioner John Nye made a MOTION to open public hearing. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was opened at 6:36 pm.

Applicants Greg and Randi Smith approached the Commission and gave an update and description of their proposal.

There was discussion on the 40 acres. Applicant stated the 40 acres will have wild horses and cows. Planner Adam Richins stated once it is rezoned it will not be limited to the type of animals.

Commissioner John Nye made a MOTION to close public hearing for application Z-2020-021. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 6:38 pm.

- 4. REVIEW and POSSIBLE RECOMMENDATION** – Zoning Ordinance Map Amendment Application # Z-2020-021 requesting to change the zoning of 40 acres of property located approximately 1.5 miles northwest of Sutherland from Agriculture (Ag) to Agricultural Industrial (AI) – G&R Livestock Inc, Applicant

Commissioner David Sturlin reads the recommendations listed in the staff report.

Planner Adam Richins gave more description of recommendations.

Commissioner John Nye made a MOTION to send a favorable recommendation to the BOCC for application #Z-2020-021 to change the zoning of the subject property from Ag to AI for the construction and operation of a CAFO, leaving out the wording “for wild horses” as listed on the staff report. Including all Recommendations listed in the staff report.

A. Recommend the zone change from Agriculture to Agricultural Industrial be approved only if it can be determined that unmitigated industrial-type agricultural operations permitted under the Table of Uses will not significantly impact surrounding properties.

B. In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the BOCC in deciding a land use ordinance amendment application shall consider the following factors, among others:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.

3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

- 5. PUBLIC HEARING**—Application #Z-2020-028 to amend the Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for Landfills.

Commissioner John Nye made a MOTION to open public hearing for application #Z-2020-028. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened 6:45 pm.

Planner Adam Richins gave some background and reasoning for this application.

Commissioner Greg Greathouse made a MOTION to close public hearing on application Z-2020-028 to amend the Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

- 6. REVIEW and POSSIBLE RECOMMENDATION**—Application #Z-2020-028 to amend the Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for Landfills.

Commissioner David Sturlin made a MOTION to make a favorable recommendation to the BOCC on application #Z-2020-028 to amend the Table of Uses and Accompanying Use Definitions, located in Title 10, Chapter 25, Appendix A, of the Millard County Zoning Ordinance for Landfills including the Recommendations as listed.

1. Prohibit Landfills in the following districts: Range & Forest (RF) and Heavy Industrial (HI)
  - A. In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the Board of County Commissioners (BOCC) in deciding a land use ordinance amendment application shall consider the following factors, among others:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-04-2012)

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

- 7. PUBLIC HEARING**—Application #Z-2020-029 to amend Title 10 Chapter 16 and Title 10, Chapter 25 of the Millard County Zoning Ordinance to:
1. Create a new zoning district for the Sherwood Shores Subdivision
  2. Establish building setbacks and other development standards in the new zoning district

Commissioner John Nye made a **MOTION** to open public hearing for application # Z-2020-029. Commissioner Greg Greathouse **SECONDED** the motion. Public hearing opened at 6:51 pm.

Planner Adam Richins gave a follow-up on this proposal.

Bill Ashby approached the Commission. He agrees with this proposal and thinks this will work for property owners out at Sherwood Shores.

There was discussion of the setbacks. There was discussion that this will be a County ordinance not Sherwood Shores ordinance.

There was discussion that the HOA will be imposing their own terms and the County cannot enforce those things.

There was discussion of withdrawing the previous application and replacing it with this zone change.

Commissioner John Nye made a MOTION to close the public hearing. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 6:59 pm.

- 8. REVIEW and POSSIBLE RECOMMENDATION** – Application #Z-2020-029 to amend Title 10 Chapter 16 and Title 10, Chapter 25 of the Millard County Zoning Ordinance to:
1. Create a new zoning district for the Sherwood Shores Subdivision
  2. Establish building setbacks and other development standards in the new zoning district

Commissioner David Sturlin asked to withdraw application Z-2020-022 as of this meeting.

Commissioner John Nye made a MOTION to give a favorable recommendation to the BOCC on application #Z-2020-029 to amend Title 10 Chapter 16 and Title 10, Chapter 25 of the Millard County Zoning Ordinance with following:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-04-2012)

Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

- 9. PUBLIC HEARING**—Application #Z-2020-030 a Zoning Ordinance Map Amendment application to change the zoning of the Sherwood Shores Subdivision to the new Sherwood Shores (SS) zoning district

Commissioner Demar Iverson made a MOTION to open public hearing on application #Z-2020-030. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:03 pm.

Planner Adam Richins gave a description of the amendments for the proposed zoning ordinance map.

Commissioner Demar Iverson made a MOTION to close the public hearing for application Z-2020-030. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:04 pm.

**10. REVIEW and POSSIBLE RECOMMENDATION** —Application #Z-2020-030 a Zoning Ordinance Map Amendment application to change the zoning of the Sherwood Shores Subdivision to the new Sherwood Shores (SS) zoning district

Commissioner Greg Greathouse made a MOTION to give a favorable recommendation to the BOCC on application #Z-2020-030 for a Zoning Ordinance Map Amendment to reflect the map of Sherwood Shores Subdivision. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

**11. OTHER BUSINESS**

Tiffany James approached the Commission via Zoom and gave a brief presentation and update on Magnums next project and next application that will be presented at the next meeting.

**12. APPROVAL OF MINUTES** – August 5, 2020 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held August 5, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Greg Greathouse made a MOTION to approve the minutes for August 5, 2020 as corrected. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

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

**14. ADJOURNMENT**

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

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Dated this \_\_\_ day of \_\_\_\_\_ 2020  
David Sturlin, Chairman  
Millard County Planning Commission