

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 4, 2016**

The Millard County Planning Commission met on Wednesday May 4, 2016 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Gary Walker Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
Joyce BarneyPlanning Commissioner
Greg GreathousePlanning Commissioner

EXCUSED: David Sturlin Planning Commission Chairman
Jodi RobisonPlanning Commissioner
Molly StevensPlanning Commissioner

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt..... Secretary
Richard Waddingham Deputy County Attorney
Dean DraperMillard County Commissioner
David Andrade JA Farms
Gloria KenneyAndrade Family Trust, JA Farms
Julie Bogue JA Farms
Dana Jordan 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

Planning Commission Vice Chairman Gary Walker called the meeting to order at 6:58 p.m. He welcomed all present.

2. REVIEW and POSSIBLE APPROVAL of Application for a C-1 Level 2 Animal Feeding Operation. Andrade Family Trust, Owner. Case # Z-2016-009 for property located at 4245 N 2000 W, Delta

David Andrade approached the Commission. He stated that they are proposing to build a C1 Level 2 animal feeding operation. There will be three large corrals

located on the west side of 2000 west and south of 4500 North in Sutherland. Two of these corrals will hold 120 head of cows each and the third corral will hold 100 head of cows. Next to the three corals will be two heifer pens. One pen will hold 70 head of heifers. The second pen will hold 60 head of heifers. There will be a small pen to the North that will hold about 20 head of nursing cows. David Andrade stated they plan on milking no more than six cows twice daily as it becomes too labor intensive. They will be feeding this milk to the calves and not selling it. There will also be 2 sorting pens. They would also like to put a hay barn, shop with an office, scale, drainage pond, and a well on the same land. David Andrade stated all the drainage will be piped into a pond and used to mix irrigation water on the 30 acres they own to the South, or 30 acres to the West.

Commissioner Greg Greathouse verified the neighbors within 1,000 feet: Neil H. Clayton, Adams Acres LLC, Reid Lee Tippetts, and Daron Smith & Jared Smith. David Andrade stated that there is a map showing who the neighbors are. The surrounding land is currently farm ground, with the nearest home being Reid Lee Tippetts approximately 1700 feet away. He stated that Lee Tippetts is to the North of them and he also has cow corrals behind his house.

Commissioner Joyce Barney asked how they will be getting their water. David Andrade stated they already have a water right #68-344. This water right will provide enough water for livestock and they proposed to drill a private well with some domestic use for the trees and other vegetation. This water right has already been approved to be transferred to the sight. David Andrade stated they do not have the well permit yet, but have been working on it.

Millard County Deputy Attorney Richard Waddingham asked if Mr. Andrade will be using surface water. David Andrade stated they do own water stock. David Andrade stated that they plan on having some pasture area for the cows.

Attorney Richard Waddingham then asked if they need approval from the state department of environmental quality. David Andrade stated they do not need any approval from the state because of the size of this operation.

Commissioner Joyce Barney asked Mr. Andrade if there are any conditions that he would have a problem with. David Andrade stated he is okay with all the conditions and recommendations. David Andrade stated that he came up with a different number for the animal units than the staff report states. He verified that he came up with 462.01 animal units not 531.4. He is ok to leave it at 531.4 as he has enough water rights to still cover that many animal units. David Andrade stated that the staff report looks great and it is the same stuff that was in his application.

Commissioner Gary Walker stated that the Commission is the land use authority where this is a C-1 permit.

Commissioner Joyce Barney made a MOTION to approve the C-1 level 2 CAFO Conditional Use Permit for Andrade Family Trust with case number Z-2016-009 This application meets the criteria for approving the permit in Millard County, including the 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 or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use 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.

Also including the Reasonable Conditions listed in the staff report:

- a) 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.
- b) The property on which the Conditional Use 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.
- c) Implement safety programs as required by the OSHA and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular to animal feeding operations.
- d) Be responsible for own site security.
- e) Implement dust and odor control procedures.
- f) Disposal of dead animals by direct burial or delivery to the dead animal pit at the Millard County Landfill. .
- g) Collect and spread manure on applicant/owner's fields.
- h) Implement fly, insect and vermin control procedures.
- i) Implement odor control procedures.

j) Maintain a clean and healthy environment for the community surrounding the animal feeding operation,

Commissioner Greg Greathouse **SECONDED** the motion. The voting was unanimous in the affirmative.

Commissioner Joyce Barney stated that the Andrades have been part of the Community for a long time. They are great people and we have enjoyed having them and their successful business in the county.

3. REVIEW and POSSIBLE RECOMMENDATION on new “Draft” Subdivision Ordinance” dated **03/23/2016**, including, Certificates of Approval and other Documents.

Commissioner Gary Walker asked Bruce Parker to give the Commission an update on the Draft Subdivision Ordinance. Bruce Parker stated that the Commission has spent numerous hours working on this ordinance. He would like to recognize Attorney Waddingham, Planner Sheryl Dekker, and the Sub Committee: Commissioner Molly Stevens, Commissioner Joyce Barney, and Commissioner Gary Walker. They put a lot of time and a lot of thought into this Draft Subdivision Ordinance. He then thanked the entire Commission for their time and effort they have also put into the Draft Subdivision Ordinance.

Bruce Parker stated that he was asked to include a Cluster Subdivision option in this Draft Subdivision Ordinance. He presented this option to the Commission. He stated the Cluster Subdivision Option is provided to allow subdivisions with the clustering of lots and with lot sizes smaller than the minimum lot size required by the Zoning District in which the property is located. The total number of lots allowed however shall not exceed that allowed by the Zoning District and/or the subdivision type proposed.

Bruce Parker stated that these lots will require written evidence of access to public or private domestic water system regulated by the Central Utah Health Department or the Utah Department of Environmental Quality, or if connection to a regulated water system is not possible then written evidence is provided of water rights sufficient to supply a minimum of 1.0 acre-foot of water dedicated to each proposed lot.

Bruce Parker stated that they must also comply with all development standards of the Zoning District in which the property is located. Commissioner Gary Walker stated they must also comply with the frontage on the road.

Commissioner Joyce Barney stated this will be a better option for a family to separate some farm land for family members to build homes on the land. Commissioner Gary Walker thinks this is pro agriculture.

Bruce Parker stated that he tried to achieve the goals that the Commission identified in a way that could be understood by an applicant. He stated that this provision will be inserted as a new chapter 6 in the Draft subdivision document and the existing chapter 6 would be renumbered.

There was some discussion about section 11-6-6 (3) In addition to complying with Section 11-6-6(2), a subdivision application proposing a CSO shall also provide an accurate scaled drawing clearly identifying the required minimum front, side, and rear yards as required by the Zoning District in which the property is located for each proposed lot. The Commission agreed that they are okay with this procedure.

Bruce Parker stated if the Commission is considering to make a recommendation to the BOCC (Board of County Commissioners) that includes the Cluster Subdivision Option, the Commission should look at the Memorandum. He suggested we add the following conditions:

1. The Planning Consultant and County Staff be allowed to make any formatting, referencing, spelling, numbering, or other necessary corrective revisions.
2. That necessary definitions, notices, applications, applications process charts, Owner Notice examples, and other administrative materials be provided, and included as necessary in the Millard County Administrative Manual.

Commissioner Greg Greathouse asked if we could change the wording in the Memorandum under the Domestic (Culinary Water) section. He asked if we could change the language to:

For all Non Plat and Plat Subdivisions written evidence of access to a public or private domestic water system regulated by the Central Utah Health Department or the Utah Department of Environmental Quality, or if connection to a regulated water system is not required by law then written evidence is provided of water rights sufficient to supply a minimum of 1.0 acre-foot of water dedicated to each proposed lot.

Millard County Commissioner Dean Draper discussed the water system in Hinckley Town, Deseret, and Oasis.

Commissioner Gary Walker asked if we could simplify the wording and state that the owners have to provide evidence that they have access to a public or private water system, with a minimum of 1 acre foot if it is a private water system. There was some discussion about the language and requirements for the water systems.

Commissioner Joyce Barney asked if the agricultural subdivision is necessary if we have the Cluster Subdivision Option. Commissioner Greg Greathouse stated that it is state law to have an Agricultural Subdivision.

Bruce Parker thanked the subcommittee, Attorney Waddingham, Planner Sheryl Dekker once again for all their extra time and effort they have put into this ordinance.

Commissioner Gary Walker thanked Bruce Parker for all his time and efforts that he has put in to this document. He stated that Mr. Parker has spent a lot of time with the subcommittee, Attorney Waddingham, and Planner Sheryl Dekker to get this draft ready to give a favorable recommendation to the BOCC. Commissioner Gary Walker then stated he appreciates everyone's efforts that they have all put into this process.

Commissioner Gary Walker stated that it is very important that the entire Commission is ready to give a favorable recommendation to the BOCC. He stated that he has talked to Commissioner David Sturlin over the phone today and he expressed that he is ready to give a favorable recommendation to the BOCC. Planner Sheryl Dekker also stated that Commissioner Molly Stevens and Commissioner Jodi Robison made favorable recommendations over the phone today. The entire Commission has stated that they are all ready to give a favorable recommendation to the BOCC.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation to the BOCC for the Millard County Subdivision Ordinance with the change of the language and the addition of the Cluster Subdivision Option, including Section 11-6-10 on the memorandum:

1. The Planning Consultant and County Staff be allowed to make any formatting, referencing, spelling, numbering, or other necessary corrective revisions.
2. That necessary definitions, notices, applications, applications process charts, Owner Notice examples, and other administrative materials be provided, and included as necessary in the Millard County Administrative Manual.

Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

Commissioner Joyce Barney stated if the BOCC decided to make changes to the ordinance, if they will include and discuss the changes with the Planning Commission. She stated there could be a mutual conversation between the BOCC and the Planning Commission.

4. PUBLIC INPUT

Millard County Commissioner Dean Draper approached the Commission to further discuss dry cabins in Millard County. He stated that he has been speaking with Attorney Waddingham and Millard County Attorney Pat Finlinson about the ramifications there are for dry cabins. They contacted Juab County, Beaver County, and Iron County where these types of cabins exist for some input. Millard County Commissioner Draper stated that it came to his attention that what he

was envisioning may have not been what he was trying to convey for consideration. He stated what he was envisioning is not a permanent structure that could be taxed as a secondary residence. He stated that these counties that allow the secondary residences stated that they worked out for the first generation owner. The second generation owners did not work out so well. He stated he was envisioning a glorified tuff shed. This would not require the owners to have a well. They could bring in water from a verified source. He stated he was not looking for a structure that would require a foundation or building permit.

Millard County Commissioner Dean Draper stated the BOCC is looking for help from the Commission to come up with a document that will allow this type of cabin. Commissioner Gary Walker stated that any building under 200 square feet is a non-regulated building. It would not require a building permit or permission as long as it does not have plumbing and/or a regulated heating systems and things like that. Millard County Commissioner Dean Draper then asked if there would there be a problem if there were 5 of these sheds on one acre. Commissioner Gary Walker stated that the way it has been handled in the past is as long as those sheds are not adjoining or connected and are under 200 square feet they are not regulated.

Millard County Commissioner Dean Draper then brought up container homes. He asked what the ramifications would be on those types of homes. Commissioner Greg Greathouse asked where we should be drawing the line. If we get more lenient on these cabins it will open up the same problem that other counties have. Commissioner Gary Walker stated that one thing that he thinks is important is, these dry cabins were allowed and they were such a small investment. The piece of property was cheap compared to a lot in a municipalitie. These properties would start out really nice with a nice camp trailer on the land. But after time it becomes abandoned and the county would be the ones who have to clean it up.

Millard County Commissioner Dean Draper stated this is just an open discussion so both the Planning Commission and County Commissioners can discuss things together to see if there is a resolution to allowing dry cabins.

Millard County Commissioner Dean Draper stated that he has been approached by various people asking him at what point the government is going to stop being big brother. Commissioner Greg Greathouse stated he is just trying to keep the county from having a bunch of trash piles. He would suggest the owners do it right so they do not turn into something that is not taken care of.

Millard County Commissioner Dean Draper stated he will have some discussion with the other two county commissioners and see where they want to go with these. He stated that the BOCC can suggest that this be considered by the Planning Commission. Attorney Richard Waddingham stated that the BOCC can initiate an amendment to the land use ordinance. They may submit an application

and present the document to the Planning Commission just like any other application. The applicant is to do the drafting and the commission can add conditions and then send it forward. Commissioner Gary Walker stated that once the application is submitted the Planning Commission can either send a favorable or unfavorable recommendation to the BOCC. He stated that the Commission does not do the drafting. Millard County Commissioner Dean Draper stated that the Commission does have the ability to draft on some issues if the Commission thinks it will be for the benefit of the county.

**5. APPROVAL OF MINUTES – March 2, 2016
April 6, 2016**

The proposed minutes of the regular Planning Commission meeting held March 2, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to table the minutes for March 2nd, 2016 to the next meeting with revisions from today. Planning Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

The proposed minutes of the regular Planning Commission meeting held April 6, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Tom Nielson made a MOTION to approve the minutes as corrected. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

6. PLANNING and ZONING ADMINISTRATOR'S REPORT

7. OTHER BUSINESS

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

9. ADJOURNMENT

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:39 pm.

Dated this ___ day of _____ 2016
Gary Walker, Vice Chairman
Millard County Planning Commission

