

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 7, 2020**

The Millard County Planning Commission met on Wednesday October 7, 2020 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT:

John Nye.....Planning Commissioner
Demar IversonPlanning Commissioner
Matthew KeslerPlanning Commissioner
Tom Nielson.....Planning Commissioner

EXCUSED:

Joyce Barney Planning Commission Vice Chairman
Greg GreathousePlanning Commissioner
David Sturlin Planning Commission Chairman

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Jessica HafenHafen Agri Tourism LLC
Rick ViveirosCrossroads Dairy
Lorena Viveiros.....Crossroads Dairy
Bob Viveiros.....Crossroads Dairy
Patty Viveiros.....Crossroads Dairy
Tony CabralCrossroads Dairy
Tim CabralCrossroads Dairy
Bob Terry Millard County Resident
Dorene Terry..... Millard County Resident
Carl Cassity Millard County Resident
Vanesa Cassity..... Millard County Resident
Christine Covey Millard County Resident
Johnny Covey Millard County Resident
Don Smith Millard County Resident
Steve Johnson 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 Excused, Acting Chairman Tom Nielson

Planning Commissioner Tom Nielson 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—C-1 Conditional Use Permit Application # Z-2020-026 for Seasonal Use (Activities) on 60 acres of agricultural property located approximately ½ miles south of Flowell. Jessica Hafen, Applicant.

Commissioner John Nye made a MOTION to open public hearing for a C-1 Conditional Use Permit Application # Z-2020-026 for Seasonal Use (Activities) on 60 acres of agricultural property located approximately ½ miles south of Flowell for Jessica Hafen. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened.

Applicant Jessica Hafen approached the Commission and gave a description of her application.

There was discussion on the road agreement recommendation. There needs to be discussion between the road department and the applicant about the road agreement.

There was discussion of space for parking during any events.

Commissioner Demare Iverson made a MOTION to close the public hearing. John Nye Seconded the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL – C-1 Conditional Use Permit Application # Z-2020-026 for Seasonal Use (Activities) on 60 acres of agricultural property located approximately ½ mile south of Flowell.

There was discussion of the table of use and the recommendations included in the staff report.

Commissioner Tom Nielson asked if the parking area is going to be graveled. Applicant stated it is a grassy area and does not see a problem.

There was discussion of any additional signs or lighting that will be added to the property.

Commissioner Matthew Kesler made a MOTION to approve application Z-2020-026 for a C-1 Conditional Use Permit for Seasonal Use (Activities) on 60 acres of agricultural property located approximately ½ mile south of Flowell and include the following conditions:

- A. A Road Maintenance Agreement be established with Millard County for vehicular traffic, on county roads.
- B. Adequate access for ingress and egress be improved to a minimum of 20' width to not less than the minimum standard for a county gravel road.
- C. Setbacks and proposed structures shall be substantially as described in the submitted site plan.
- D. Access to the property shall limited to a single driveway on each improved road for ingress and egress.
- E. No offsite parking shall be permitted.
- F. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- G. Signage shall comply with Millard County sign regulations.
- H. Site area lighting shall be downward directed.
- I. Owner shall be responsible for all site security.
- J. 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 complaint or request from any surrounding property owner.

Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

5. PUBLIC HEARING—Application #Z-2020-032 to amend Conditional Use Permit #Z-2007-010 and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation located approximately 5.5. miles northwest of Delta. Crossroads Dairy LLC, Applicant

Commissioner John Nye made a MOTION to open public hearing for application Z-2020-032 to amend Conditional Use Permit #Z-2007-010 and allow for any increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation located approximately 5.5. miles northwest of Delta. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

Applicant Bob Viveiros approached the Commission and gave a description of their application. They would like to amend this application to 5300 animal units. They would like to bring all their heifers home. They are also trying to improve carbon footprint.

Steve Johnson a neighboring property owner approached the Commission. He had concerns of the stench and dust coming from the dairy and is wanting the Commission to deny the amendment as additional animals will make the problem worse.

Carl Cassity a neighboring property owner approached the Commission and stated he does not have a problem with dairy. He has not had much issue with the dust, nor the flies. Carl Cassity stated he would be the closest house to the heifer corals.

Commissioner Demar Iverson made a MOTION to close the public hearing on application Z-2020-032 to amend Conditional Use Permit Application #Z-2007-010 and allow for an increase in animal units at an existing dairy, a level 3 Confined Animal Feeding Operation. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION—Application #Z-020-032 to amend Conditional Use Permit #Z-2007-010 to allow for an increase in animal units at an existing dairy, a Level3 Confined Animal Feeding Operation located approximately 5.5 miles northwest of Delta.

There was discussion of the old conditions and the proposed recommendations that are listed on the amended application.

Planner Adam Richins reads the analysis from the staff report.

There was discussion of the dairy not having dust mitigation at this time as they did not know that it was a problem.

There was discussion that this is zoned for AI (Agriculture Industrial) and it meets the requirements as listed.

Commissioner John Nye made a MOTION to send a favorable recommendation to the BOCC on application Z-020-032 to amend the Conditional Use Permit # Z-2007-010 to allow for an increase in animal units as an existing dairy with the following reasonable conditions:

1. The Proposed CAFO as amended 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.
2. Implement safety programs as required by the OSHA and any other state or federal agency having jurisdiction.
3. Adhere to best practices for animal operations in accordance with the approved Certified Nutrient Management Plan (CNMP).
4. Implement dust and odor control procedures.
5. Implement procedures to control and limit rodent, flies and insects.
6. Maintain a clean and healthy environment on the project site.

Also including the Basis for Issuance of Conditional Use Permit:

- a) The proposed use is a Conditional Use within the Zoning District as identified in Title 10, Chapter 25, 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 and has shown by substantial evidence the health, safety, and welfare of the citizens and businesses of the citizens of Millard County will be protected in modifying the minimum separation distance.
- 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.

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

7. REVIEW and POSSIBLE Approval – Application # Z-2020-039 for a Non-Plat Subdivision located at approximately 2800 W 6500 S. Christine Covey, Applicant

Applicant Christine Covey approached the Commission and gave description of her application.

There was discussion of wells, water rights and future power sources for the property.

There was discussion of some requirements that will have to be met by the building inspector if homes get built on the subdivision.

There was discussion of the road access to this property. The frontage road is a county road but the access road is a private access road. Each of the lots are located on the county road.

Commissioner Demar Iverson made a **MOTION** to approve application Z-2020-039 for a Non-Plat Subdivision located at approximately 2800 W 6500 S.

Commissioner John Nye **SECONDED** the motion. Voting was unanimous in the affirmative.

8. OTHER BUSINESS

Adam Richins gave an update on PVT Materials and stated they anticipate to have contracts in place by the end of year to move forward.

9. APPROVAL OF MINUTES –September 2, 2020 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held September 2, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Demar Iverson made a **MOTION** to approve the minutes for September 2, 2020 as corrected. Commissioner Matthew Kesler **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 John Nye made a **MOTION** to adjourn. Commissioner Demar Iverson **SECONDED** the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2020
David Sturlin, Chairman
Millard County Planning Commission