

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
June 5, 2013**

The Millard County Planning Commission met on Wednesday June 5, 2013 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Gordon Chatland ..... Chairman  
Joyce Barney..... Board Member  
Molly Stevens ..... Board Member  
David Sturlin..... Board Member  
Brent Blake..... Board Member  
Gary Walker ..... Board Member

**EXCUSED:** Greg Greathouse..... Board Member

**ALSO PRESENT:**

Richard Waddingham ..... County Attorney  
Amber Nickle ..... Secretary  
Sheryl Dekker ..... County Planner  
Kelly Thomas Healey..... Resident  
Cassy Thomas Noyes ..... Resident  
Michael Corey ..... Manager Corey's Cattle  
Darwin Wheeler ..... Resident  
LaVon Rowley ..... Resident

**1. Welcome, Call to Order**

Chairman Gordon Chatland called the meeting to order at 7:02 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – May 1, 2013**

The proposed minutes of the regular Planning Commission meeting held May 1, 2013 were presented for consideration and approval. There was some discussion about when the draft minutes need to be available to the public. Sheryl Dekker will look into it and get back to the board. Following review and consideration of minor corrections Commissioner Gary Walker made a MOTION to approve the minutes, as corrected. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2013-001 for a zone change application (map) from AG20 to AI for 40 acres**

located at 3800 W 6500 N – Delta Grid. Jon D Corey & Kristin P Corey – Owners; Mike Corey dba Corey Cattle Company, Petitioner. Planning Commission Public Hearing held on May 1, 2013.

The county received a letter from Jon Corey, Michael Corey's brother, to continue with the application. The board took a minute to review the letter. Bruce Parker stated that a new land use ordinance took effect January 1, 2013. This application will be one of the first applications for a land use ordinance amendment under the new code. If the application is approved, it would be subject to all the requirements under 10-6-3(B) 1-8 and 10-6-4. Sheryl Dekker asked if the boundaries of the zone could be changed. Mr. Parker said that it could be changed but that it would need to be explained why it was being changed.

Bruce Parker explained that if the zone change was approved to Ag Industrial there is a list of different uses that would be allowed in that zone. The board took a minute to review the new zoning ordinance and what would be allowed in the Ag Industrial zone according to the matrix in the new Zoning ordinance.

Mike Corey passed out copies of consent forms signed by both Manly Abbott and M Anthony Abbott, to the board.

Gary Walker asked if the cows are currently using permitted water and if there is adequate water available for the expansion of the operation. He said that he did not know if they were utilizing permitted water and that they have ways of acquiring more water if their operation is permitted.

Joyce Barney asked how many animals are currently there. Mike Corey said there are about 2200 and there would be between 4000 and 5000 after the expansion.

Brent Blake asked if they are currently using culinary water. Mr. Corey stated that they are currently using the water well that was originally there when they purchased the land. Mr. Corey stated that he does not know if he is using more water than is currently permitted.

Brent Blake asked why the neighbors changed their minds and signed consent forms. Mr. Corey said he addressed their concerns outside the meeting and that they also came to a personal agreement that he does not wish to publicly disclose. He said the same offer was made to Kelly Healey.

Kelly Healey came to the podium to address the board her concerns. She stated that the offer proposed to her was \$5,000 plus half a cow a year. He also offered to buy her house at appraised value if she wished to sell it. She said that she was not interested in Mr. Corey's offer and that she owed more than appraised value

on her house and that it would not benefit her to sell it. She sacrificed a high salary job in St. George to move to Delta for a better way of life.

She said that in a conversation that she had with Mike Corey earlier today he said blatantly that there were 4,000 cows on the property; which is a big difference than what he disclosed to the board.

Kelly Healey is very against the expansion of the feeding operation. She stated that what was important to her were her kids, her friends and her way of life that would be affected by the expansion.

Gary Walker asked how far away Kelly Healey lives right now from the operation. Mike Corey said her home is currently about 1,050 feet from the closest coral.

Sheryl Dekker asked when she moved to Delta. She said she bought her house in 2009.

Mike Corey clarified to the board that he told Kelly Healey through the winter they had up to 4,000 cows and that there would be up to 5,000 after the expansion. They have since moved some cows out of the yard.

There was some discussion about the outcome of changing the zone and whether or not the application met all the conditions of 10-6-3. It was unanimous that the application did not meet item B6. According to 10-6-4, all conditions must be met. Molly Stevens read condition #6. The application did not meet all the conditions. David Sturlin made a motion to transmit an unfavorable recommendation to the board of county commissioners for the application, finding that the requirements under 10-6-3 have not been met, specifically item #6. Brent Blake **SECONDED** the motion. The voting was unanimous in the affirmative.

4. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to the Official Millard County Zoning Map – Application # Z-2013-004. These amendments are being proposed to provide uniformity of zoning designations in unincorporated communities of Millard County – specifically Garrison and Eskdale located in Millard County.

David Sturlin made a motion to open the public hearing. Brent Blake **SECONDED** the motion. Voting was unanimous in the affirmative. The public hearing was opened at 7:52pm.

Lavonne Rowley, a resident of Garrison, asked what the zone change would mean for him. Sheryl Dekker stated that the change would make the current land

use more landowner friendly and allow people to parcel out 1-acre lots to build future homes.

Darwin Wheeler stated that he was forced to close his little store. He asked if he would be allowed to put his store back in business after the zone change. Gary Walker stated that it would still not be allowed in an agricultural zone. He would need to change the zone to highway commercial to allow for a store.

There was some discussion about where big power lines are allowed and how to make it so they cannot infringe on the land in the future. Gary Walker stated that all the zones are described on the internet; along with what is and what is not allowed in each zone.

Mr. Wheeler asked if his land could be incorporated in the Ag zone. Sheryl Dekker said that if he could map out where his property is located it could be included in the zone change. Molly Stevens asked if they could incorporate a section for Mr. Wheeler zoned for highway commercial for his store. Consensus was that he would need to submit a separate application with specific information in order to change the zone for his store.

It was mentioned that the Border Inn is currently not in an appropriate zone and that it would be a good idea to change that land to highway commercial to come into compliance with the zoning ordinance.

The board explained to Mr. Wheeler that everything that currently exists would be allowed to stay and that the zoning ordinance applies to all future construction and changes.

David Sturlin stated that the proposed changes to Eskdale that are outlined on the map are exactly what the residents want. He said that there is some more land located to the South that they also want to include in the zone change.

Gary Walker made a motion to close the public hearing. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

5. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2013-004 on proposed amendments to the Official Millard County Zoning Map – Application # Z-2013-004. These amendments are being proposed to provide consistency of zoning designations in unincorporated communities of Millard County – specifically Garrison and Eskdale located in Millard County.

6. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to several goals, objectives, and implementation strategies, as contained in the *Millard County General Plan – Utilities Element*. These amendments are being proposed to provide clarifications on the location of major utility corridors in Millard County. Millard County – Applicant. Application # Z-2013-011.

David Sturlin made a motion to open the public hearing. Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

Bruce Parker explained the map of the “Millard County Major Utilities” to the board and where the current corridors are located.

Mr. Parker stated that the proposed changes to the language of the general plan, clarifies in more detail, where the major utilities would be allowed and not allowed.

David Sturlin made a motion to close the public hearing. Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

7. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to the Preferred Major Utilities Corridor Map, an Official Map of Millard County. These amendments are being proposed to revise and clarify the location of major utility corridors, including the location of the West-Wide Energy Corridor, located in Millard County. Millard County – Applicant. Application # Z-2013-012.

David Sturlin made a motion to open a public hearing. Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 8:38pm.

No comments were made.

David Sturlin made a motion to close the public hearing. Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

8. **REVIEW and POSSIBLE RECOMMENDATION** on proposed amendments to several goals, objectives, and implementation strategies, as contained in the *Millard County General Plan – Utilities Element*. These amendments are being proposed to provide clarifications on the location of major utility corridors in Millard County. Millard County – Applicant. Application # Z-2013-011.

David Sturlin made a motion to make a favorable recommendation for the proposed amendments to the general plan to the board of county commissions. Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

9. **REVIEW and POSSIBLE RECOMMENDATION** on proposed amendments to the Preferred Major Utilities Corridor Map, an Official Map of Millard County. These amendments are being proposed to revise and clarify the location of major utility corridors, including the location of the West-Wide Energy Corridor, located in Millard County. Millard County – Applicant. Application # Z-2013-012.

Gary Walker made a motion to make a favorable recommendation for the proposed amendments to the Preferred Major Utilities Corridor Map to the board of county commissions. Brent Blake SECONDED the motion. Voting was unanimous in the affirmative.

## 10. OTHER BUSINESS

There was some discussion about when to hold a meeting in July since there was a completed application already submitted. It was proposed to hold the meeting on the second Wednesday in July, July 10<sup>th</sup>. The consensus was to move the meeting due to the holiday. Gary Walker made a motion to move the meeting to July 10<sup>th</sup>. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

Gary Walker stated that the wording originally in the general plan regarding allowable distance from a feeding operation (AFO) or (CAFO) needs to be added back in, to give the board a guideline to go by when deciding if an animal feeding operation is too close to a dwelling or not. Bruce Parker stated that a new section could be added to the general plan that clarifies the appropriate distance allowed.

There will be a public hearing to discuss a new section to the general plan and what is an appropriate distance between a dwelling and a feeding operation.

Joyce Barney asked when the county would benefit from the new major utilities coming into the county. Sheryl Dekker will look into it.

11. **POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-4&5**

Change 52-4-4&5 to 52-4-204&205

## 12. ADJOURNMENT

Gary Walker made a MOTION to adjourn. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 8:57 p.m.

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Gordon Chatland Chairman  
Millard County Planning Commission