

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
November 2, 2016**

The Millard County Planning Commission met on Wednesday November 2, 2016 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT:

Joyce BarneyPlanning Commissioner
David Sturlin Planning Commission Chairman
Molly StevensPlanning Commissioner
Gary Walker..... Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
Greg GreathousePlanning Commissioner

EXCUSED: Jodi RobisonPlanning Commissioner

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt..... Secretary
Richard Waddingham Deputy County Attorney
Dean DraperMillard County Commissioner
Scott BarneyMEDA
William H. Reynolds..... Land Owner
Matt Stanworth..... Land Owner
Jill Stanworth Land Owner
Jaxon Stanworth Land Owner
Steve StylerSmithfield Hog Production Agent
Jim Webb..... Owner Smithfield Hog Production
David E Johnson..... Property Owner
Julie Johnson..... Property Owner
Jace Johnson Millard County Resident
Trevor Johnson Millard County Resident
Lacey Keel Millard County Resident
Travis Keel..... Millard County Resident
Mark Watson Millard County Chronical 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** – Chairman David Sturlin
Planning Commission Chairman David Sturlin called the meeting to order at 6:34pm. He welcomed all present.
2. **PUBLIC HEARING for a Zone Change** – Application # Z-2016-32 on a zone change from AG20 to AI (Ag Industrial) for property located approximately 4 miles south of Deseret bordering Union Pacific Railroad on the east side, Delta Grid, for the purpose of developing a Level 3 confined animal feeding operation (CAFO) – a hog production farm. Petitioner – Smithfield Hog Production c/o Steve Styler. Owner – David E. Johnson and Julie Johnson. 222.4 Acres.

Planning Commission Chairman David Sturlin gave a brief description of the zone change application.

Planning Commission Vice Chairman Gary Walker made a MOTION to open the public hearing on a zone change from AG20 to AI for application # Z-2016-32. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was opened at 6:36 pm.

Agent Steven Styler approached the Commission. He stated that he is here on behalf of Smithfield Hog Production and David Johnson. He is glad to see the group of people that are present to the meeting tonight. He stated that the closest neighbors are the Stanworth family as well as the Reynolds family. He is happy that they are at the public hearing today so they can get a better idea of what is going on.

Steven Styler stated that Smithfield Hog Productions primary location is in Beaver County. They are looking to expand their operation and they have chosen Millard County as their target area. He stated that there was an advertisement in the Millard County Chronical looking for people who would be interested in becoming a contract farmer on behalf of Smithfield Hog Production. The Johnsons and Smithfield Hog Production where able to meet together and have some discussions to pursue this opportunity. They then identified a location on the Johnsons land that would be most remote. To pursue this opportunity they would need to get a zone change from Ag20 (Agriculture 20 acres) to AI (Agriculture Industrial).

Steven Styler went through the project summary with the Commission. He stated that the proposed location for this CAFO is 4 miles south of Deseret. The desire of this rezoning is to anticipate 4 hog production buildings. These buildings will house about 4,800 hogs per barn, for a total of 19,200 hogs at any given time.

Steven Styler stated that their request is consistent with the General Plan and looking to expand Millard County's economic development.

Steven Styler stated that Matt Stanworth is probably the closest full time resident. He then stated that he is also one of the surrounding full time residents and he fully supports this application.

Commissioner David Sturlin stated he would like to bring the Commission up to date with the maps that were included in the packet. He stated that a couple of the maps that are included in the packet do not apply to this application. Steven Styler stated that the maps show some of the closest neighbors to the property but not of the property itself.

Commissioner Tom Nielson asked how far the Reynolds home is on the map. Mr. Reynolds and Steven Styler verified the Reynolds home on the provided map. Steve Styler stated that he was not notified as he is outside of the notice requirements. William Reynolds home is about a mile and a half away from the proposed property. There was some discussion about the neighbors and verification of their location on the provided maps.

William Reynolds approached the commission. He stated that he very rarely has a wind that comes from the east going west. He doesn't believe that the odors will be a bother. He then stated that he is a veterinarian and he is concerned about the viruses that spread through the hogs. He is wondering how Smithfield Hog Production will be disposing of the infected carcasses. Commissioner David Sturlin stated that these issues are not for the applicant tonight, and the public meeting is for the zone change. Steven Styler stated that he has no objection to answering Mr. Reynolds questions and/or concerns.

Commissioner Gary Walker stated that William Reynolds will be going back to New Jersey soon and will not be able to attend any other meetings regarding this project. Commissioner Gary Walker asked for a little bit of leeway tonight to accommodate Mr. Reynolds. The Commission agreed that there could be discussion on Mr. Reynolds questions and concerns at this time.

Jim Webb with Smithfield Hog Production approached the Commission. He stated that there are hog diseases all over the United States. They will be following many precautions to eliminate these diseases from reaching their facilities. They will be continually washing and disinfecting their facilities to try and eliminate any problems. They have bio security programs that limit the entry of people going in and out of the facilities. There are also procedures that the company has to take when disposing of the carcasses. They have to go to a state certified landfill, or rendering, or whatever may be approved for this area.

Property owner David Johnson approached the Commission. He stated that he has concerns about the odor and other things himself. He does not want to affect the town of Deseret. David Johnson stated that when selecting these sights with Jim Webb he wanted them as far back on the property as possible. You could probably see them from the road but from a distance.

David Johnson stated that this situation came up and he had a lot of thought put into this. He then stated that his father started with a pig business so he is somewhat familiar with this kind of operation. He thought this was a good opportunity for him and his family to get back involved.

David Johnson stated he did not even know that William Reynolds lived out there. David Johnson asked for verification of where William Reynolds house is. There was some discussion and verification of where William Reynolds property line and home is on a map.

William Reynolds asked how big the 4 barns are going to be. Jim Webb stated that the inside of the barn will hold 4800 hogs per barn. There is about 8 square feet per animal.

Commissioner Gary Walker asked if this is going to be the same type of operation and procedures as the facilities in Milford. Steven Styler stated they will be using the same kind of protocols as the hog farm in Milford.

Commissioner Greg Greathouse asked why Smithfield Hog Production is the petitioner when Dave and Julie Johnson own the property and they will be the ones to run this facility. Steven Styler stated that Smithfield initially listed itself as both on the application. Smithfield has also been through this process in other places. They are simply trying to assist the Johnsons in this process. Steve Styler stated that this is the Johnsons endeavor and Smithfield was working as a partnership with the Johnsons so they asked to be listed on the application. Steven Styler stated that Smithfield Hog Production can be stricken on the application and just list the Johnsons.

Johnson family member Lacey Keel approached the Commission. She stated that the Johnson family had the opportunity to tour another hog production facility. She gave a brief description of the tour along with the precautions they had to take before entering and leaving the facility. She stated there was no odor outside the facility and it wasn't until they were inside when they could smell anything. She stated that none of her family members can have pigs at their homes or be around pigs as they carry other germs.

Commissioner Gary Walker asked how they can regulate people from moving in with diseased pigs. Steven Styler stated that this is a very big concern. He then stated fortunately the Johnsons own a lot of property that surround the proposed facility and they feel this will be a buffer to this problem. This is just the nature of agriculture and they will be doing the best they can to eliminate the problems and concerns. Steven Styler stated they will be addressing more of these issues during the meeting for the conditional use permit.

Commissioner Joyce Barney stated that with as big as this operation it would only be fair to let the residents of Deseret and Oasis be informed or have a chance to be informed. Steve Styler stated that when they tried to introduce the opportunity to the community, they put it in the newspaper along with inviting the public to a free lunch to discuss the operation. He stated that there were very few people that showed up. He stated that there are a lot of people that have contacted him about this operation but none of them showed up to this meeting tonight. He stated that he thinks they just wanted some information and they didn't seem concerned about the operation. He would love to get more information out to the public. It is just hard to get the public to participate.

Surrounding land owner Matt Stanworth stated that he just came to see what was being said. He does not have any concerns.

Commissioner Greg Greathouse made a MOTION to close the public hearing for a zone change on application # Z-2016-032. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. Public hearing was closed at 7:08 pm.

3. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2016-032 for a zone change from AG20 to AI for property located approximately 4 miles south of Deseret bordering Union Pacific Railroad on the east side, Delta Grid, for the purpose of developing a Level 3 confined animal feeding operation (CAFO) – a hog production farm. Petitioner – Smithfield Hog Production c/o Steve Styler. Owner – David E. Johnson and Julie Johnson. 222.4 Acres.

Commissioner David Sturlin read the review and possible recommendation. He asked if there was any questions or comments from the Commission. Commissioner Gary Walker reminded the Commission that this is a zone change from AG20 to AI. It is for the purpose of a hog farm that has been discussed tonight. When this recommendation goes forward to the BOCC and if it gets approved, it will allow any allowed use in an AI zone to take place. If it is approved but the hog farm does not proceed, the zone change will stay in affect. This recommendation is not to approve the hog operation it is only for the zone change.

Commissioner Joyce Barney asked how many acres we are considering to make the zone change on. There was some discussion about the legal descriptions with verification that the zone change will reflect 222.4 acres. Commissioner David Sturlin stated that this proposal is in conformance with the General Plan. The recommendation is to approve the zone change, in compliance with the 8 factors in consideration of the land use conformance amendment.

Commissioner Joyce Barney then asked about the number of parcels that will be included in the zone change. Steven Styler stated that the 4 parcels is an error and it will only be 3 parcels.

Commissioner Joyce Barney asked about the wording on Recommendation B.8. Millard County Planner Sheryl Dekker stated that she cannot change the wording as it is part of our ordinance. Deputy County Attorney Richard Waddingham agreed that it cannot be changed.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation to the BOCC for a zone change from AG20 to AI on application # Z-2016-032 on the 3 parcels totaling 222.4 acres in consideration with the following factors as listed on the staff report.

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.

Commissioner Molly Stevens SECONDED the motion. Voting was affirmative with the exception of Commissioner Joyce Barney who voted against the motion.

Commissioner Joyce Barney stated that she is not opposed to the project but she is just wanting the community to be more aware of this proposed project.

4. POSSIBLE RESOLUTION REGARDING TELEPHONIC ATTENDANCE at PLANNING COMMISSION MEETINGS – Richard Waddingham.

Deputy Millard County Attorney Richard Waddingham approached the Commission. He stated that the state law does allow for public boards to conduct electronic meetings. He went over the attached Resolution No 16-11-02. (See Attached)

Deputy Millard County Attorney Richard Waddingham stated that if the Commission wants the ability to conduct electronic meetings, the Commission can vote on this and it can be adopted tonight. There was a rollcall vote. Commissioner Barney, Commissioner Greathouse, Commissioner Neilson, Commissioner Stevens, Commissioner Sturlin and Commissioner Walker all voted in favor of Resolution No. 16-11-02.

5. PUBLIC INPUT

6. APPROVAL OF MINUTES – August 3, 2016
September 7, 2016
September 12, 2016

The proposed minutes of the regular Planning Commission meeting held August 3, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for August 3, 2016, as corrected. Commissioner Tom Neilson SECONDED the motion. The voting was unanimous in the affirmative.

The proposed minutes of the regular Commission meeting held September 7th, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes for September 7th, 2016, as corrected. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

The proposed minutes of the special Planning Commission meeting held September 12th, 2016 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Tom Nielson made a MOTION to approve the minutes for September 12th, 2016, as corrected. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

7. PLANNING and ZONING ADMINISTRATOR'S REPORT

Planner Sheryl Dekker stated that Jason and Erika Ashby's Plat Subdivision was approved by the BOCC and they got their building permit. The other two applicants from that night included Tony Stanworth and Heath & Emily Weber and they were both in compliance.

Planner Sheryl Dekker stated that the Subdivision Ordinance is still in limbo. Commissioner Joyce Barney asked if we could add a definition of tiny homes like other counties are doing. Deputy County Attorney Richard Waddingham will get some proposed language ready for the Commission to look at.

8. OTHER BUSINESS

There was some discussion on what the Commission can do to advertise more when we have public hearings. There was discussion about adding these notices to social media. There was no consensus about adding these notices to social media.

Planner Sheryl Dekker stated that there will be another public hearing with the BOCC on the David Johnson zone change before it gets approved. That will give the public another chance to ask questions about this application.

MEDA Director Scott Barney stated that maybe the Commission needs to expand the radius or distance of the notices that get sent out to the surrounding property owners on applications.

There was some discussion on the hog farm and if it would affect the Delta Egg Farm.

There was some discussion on the expiration of term dates for some of the Commission.

9. POSSIBLE CLOSED MEETING Pursuant to Utah Code Annotated Section 52-4-204 & 205

10. ADJOURNMENT

Planning Commissioner Greg Greathouse made a MOTION to adjourn. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:01 P.M.

Dated this ___ day of _____ 2017
David Sturlin, Chairman
Millard County Planning Commission