

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 28th, 2019**

The Millard County Planning Commission met on Wednesday August 28th, 2019 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
Demar IversonPlanning Commissioner
Molly StevensPlanning Commissioner
David Sturlin Planning Commission Chairman
Matthew KeslerPlanning Commissioner
Greg GreathousePlanning Commissioner

EXCUSED:

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Stetson HenrieApplicant
Nicole HenrieApplicant
Roger Killpack..... Millard County Resident
Shellie Dutson..... Chronicle Progress
Caleb Patton Cal-Maine Foods
Scott Patton Cal-Maine Foods
Spencer KingApplicant
Philip Morrison Millard County Resident
John Henrie Millard County Resident
Rebecca ScottApplicant
Stacy Scott.....Applicant
Sheldon Byde Magnum Development
John Nye..... Mountain View Dairy
Matt Ward Chronicle Progress
Steele Weston 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—Application #Z-2019-023 a Zoning Ordinance Amendment Application – Text Amendment amending the Development Standards for Detached Accessory Buildings and Structures in Title 10, Chapter 25-3, Appendix B-2, of the Millard County Zoning Ordinance—Spencer King Applicant

Commissioner Joyce Barney made a MOTION to open public hearing for application Z-2019-023. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 6:36 pm.

Applicant Spencer King approached the Commission. He gave a description of his application and proposal to reduce the setback for accessory buildings in the Sherwood Shores Subdivision.

Phil Morrison approached the Commission. He wanted the Commission to make sure we do not create hazardous situations on these little lots. He requested this change to be on a case by case basis and not change them all at one time.

There was discussion of whether an association for the subdivision had weighed in regarding the proposed change. Commissioner Tom Nielson expressed concern the application had not gone through the association. Phil Morrison stated it is not an incorporated city they just have an HOA.

There was discussion of the proposal potentially needing to be approached by the association and not just from one applicant.

Shelly Dutson approached the Commission and discussed the setbacks that they had to comply with during their projects at Sherwood Shores. She does not think we need to make exceptions as everyone else had to follow the ordinance that is already in place.

Roger Killpack approached the Commission. He is the HOA president at this time for Sherwood Shores Subdivision. They did have a board meeting a week ago. At the meeting they had decisions going both ways on the matter. He talked about the issues that this amendment may allow in the future.

The Sherwood Shores HOA has no additional setback requirements at this time as they rely on the Millard County Planning and Zoning. Roger Killpack stated that the HOA does not have a recommendation for the Commission at this time.

Planner Adam Richins approached the Commission. He stated from the building requirement side there are certain requirements and limitations. As far as the fire issue it is common to have a small setback on one side and a larger setback on the other side of the property. He stated within our ordinance we do not have a maximum density allowable on lots.

There was an inquiry regarding the square footage of the outbuilding. There was discussion of this application changing setback requirements for the entire area of Sherwood Shores.

Applicant Spencer King stated he has 16 feet on the other side of the lot for access.

Commissioner Tom Nielson made a MOTION to close the public hearing on application Z-2019-023. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:08 pm.

4. REVIEW and POSSIBLE RECOMMENDATION – Application #Z-2019-023 Text Amendment amending the Development Standards for Detached Accessory Buildings and Structures in Title 10, Chapter 25-3, Appendix B-2, of the Millard County Zoning Ordinance

Commissioner Greg Greathouse made a MOTION to give a unfavorable recommendation to the BOCC as this affects more than just one property and he feels the entire HOA should be involved. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

5. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2019-024 for a Commercial Kennel at property located approximately 2710 West 500 North Fillmore—Rebecca Scott & Stacy Scott Applicants

Commissioner Joyce Barney made a MOTION to open public hearing on application Z-2019-024. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:10 pm.

Applicant Stacey Scott approached the Commission. She gave a description of her application. Commissioner David Sturlin read proposed reasonable conditions from the staff report.

There was discussion of why there was a limit on the amount of dogs from the staff recommendations. Applicant stated she would like to increase the limit of dogs to 25.

There are future plans to build an indoor training center. It will take about 2 to 3 years.

There was discussion of how many people are working on the property. Applicant stated there are only 3 people now, but they are hoping to grow bigger.

Applicant stated that they have talked to the neighbors and there are no concerns with the business.

There was a question if this application will need to be AG restricted. Adam stated this would not apply but it could be an acknowledgement in the application that they are aware that they are on AG property.

Commissioner Tom Nielson made a MOTION to close public hearing for application # Z-2019-024. Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:28 pm.

6. REVIEW and POSSIBLE APPROVAL – Application #Z-2019-024 for a Commercial Kennel at property located approximately 2710 West 500 North Fillmore.

Commissioner Molly Stevens made a MOTION to approve application Z-2019-024 for a Commercial Kennel with the following conditions.

- A. Access to the property shall be limited to a single driveway for ingress and egress.
- B. No on-street parking shall be permitted on or along 500 North
- C. Signage shall comply with Millard County sign regulations.
- D. No more than 25 dogs over a 4 months period shall be kept on the property at any time.
- E. Total number of animals confined onsite excluding dogs shall be less than will constitute a CAFO as defined by the Millard County Code.
- F. The applicant shall ensure that all dogs are properly vaccinated, immunized, and licensed.
- G. Structures and outdoor training areas shall be maintained in a safe and sanitary condition.
- H. All animal waste from dog kennels shall be collected and disposed of in a lawful manner on a daily basis.
- I. Fencing shall be installed sufficient to confine animals to the premises and prevent animals running at large.
- J. Owner shall comply with all requirements in Millard County Code Title 6 Chapter 2 Animal Control, and all other local, state and federal laws and requirements.
- K. This permit shall be subject to review at any time to ensure the commercial kennel 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 Demar Iverson Seconded the motion. Voting was unanimous in the affirmative.

7. PUBLIC HEARING— C-1 Conditional Use Permit Application #Z-2019-025 for a Dwelling, Manufactured Home at property located approximately 1840 West 2500 North, Delta—Stetson Henrie Applicant.

Commissioner Greg Greathouse made a MOTION to open public hearing on application Z-2019-025. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:34 pm.

Applicant Stetson Henrie gave a description of his application.

There was discussion why the staff report recommendation proposes limiting the access to a single driveway on each street.

Planner Richins explained this recommendation is to be consistent with other permits and reduce traffic hazards.

Commissioner Tom Nielson made a MOTION to close public hearing on application Z-2019-025. Commissioner Demar Iverson SECONDED the motion. Public hearing was closed at 7:38 pm.

8. REVIEW and POSSIBLE APPROVAL—Application #Z-2019-025 for a Dwelling, Manufactured Home at property located approximately 1840 West 2500 North.

Commissioner Tom Neilson made a MOTION to approve application Z-2019-025 for a dwelling, with the recommended conditions:

- A. Access to the residence shall be limited to a single driveway on 2500 North for ingress and egress.
- B. Owner shall obtain required building and septic permits for the manufactured home.
- C. Household waste shall be disposed at the Millard County Landfill or approved collection sites. Owner shall be assessed monthly residential landfill fees in accordance with adopted fee schedules.
- D. The dwelling shall be used to house only those persons and their immediate family or households employed in carrying out bona fide agricultural activities onsite.

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

- 9. PUBLIC HEARING**—Application #Z-2019-026 to amend Conditional Use Permit Z-2001-006 to allow the expansion of the Cal-Maine Egg Production Facility, an existing Concentrated Animal Feeding Operation (CAFO) to add approximately 200 acres of property to the project; allow for the construction of additional Pullet, Layer, & Processing Buildings, and increase the number of pullet and laying chickens—Scott Patton, Cal-Maine Foods, Inc. Applicant

Commissioner Joyce Barney made a MOTION to open public hearing on application Z-2019-026. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:46 pm.

Scott Patton with Cal-Maine Foods approached the Commission and gave a description of their proposed project and history of the operation.

There was discussion of the amount of water that they will need for this facility.

There was discussion of disposal of waste.

There was discussion of the mortality.

Sheldon Bye with Magnum Development approached the Commission. He stated they own mineral rights at this location but they have no objection to this proposal.

Commissioner Tom Nielson made a MOTION to close public hearing for Z-2019-026. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:56 pm.

- 10. REVIEW and POSSIBLE RECOMMENDATION** –Application #Z-2019-026 to amend Conditional Use Permit Z-2001-006

There was a discussion of not having a time period in the recommendation. The Commission stated that should not be an issue as they have to abide by other laws to keep compliant.

Commissioner Dean Draper approached the Commission about revamping the Brush Highway. In the document it states that this needs to be address during the construction process.

Commissioner Greg Greathouse made a MOTION to give favorable recommendation to the BOCC on application Z-2019-026. With the following recommendations

- a) The operation shall comply with the requirements of all other applicable Federal, State, or Local requirements and regulations.

- b) All non-local large truck traffic shall be restricted to the Brush Highway and that portion of 4000 west which lies north of 8500 North unless otherwise approved by the county commissioners.
- c) The owner shall implement safety programs as required by 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) The owner shall be responsible for site security
- e) The owner shall implement dust and odor control procedures.
- f) Mortality management shall comply with applicable laws including but not limited to: rendering, landfilling, (at a state approved site), compositing or onsite burial.
- g) The owner shall implement rodent, flies and insect control procedures.
- h) The owner shall maintain a clean and healthy environment at the project site.

Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

11. OTHER BUSINESS

Commissioner David Sturlin stated he has an interest in a plat subdivision application Z-2019-030 that he would like to discuss with the Commission.

There was discussion of the access of the subdivision.

Applicant is looking for a favorable recommendation to go on to the BOCC.

There was discussion of having enough water and sewer for these new lots.

Commissioner Tom Nielson made MOTION to give a favorable recommendation to the BOCC for application Z-2019-030 for a plat subdivision. Commissioner Matthew Kesler SECONDED the motion. Commissioner Greg Greathouse abstains. Commissioner Greg Greathouse stated he was uncomfortable about doing this under other business and not getting it on the agenda. Motion Passed.

There was explanation given by David Sturlin regarding the agenda and the meeting being moved to an earlier date.

Planner Adam Richins gave an update on the Sevier Potash project. He stated there are a few applications that have been submitted and the applicants would all like to have them move forward if the Planning Commission would entertain an additional meeting. After discussion the Planning Commission declined to hold a meeting in advance of the next regularly scheduled meeting in October.

12. APPROVAL OF MINUTES – August 7th, 2019 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held August 7, 2019 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for August 7th, 2019 as corrected. Commissioner Tom Nielson 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 Tom Nielson made a MOTION to adjourn. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2019

David Sturlin, Chairman

Millard County Planning Commission