

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
December 11<sup>th</sup>, 2019**

The Millard County Planning Commission met on Wednesday December 11<sup>th</sup>, 2019 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Joyce Barney ..... Planning Commission Vice Chairman  
Tom Nielson.....Planning Commissioner  
Demar Iverson .....Planning Commissioner  
David Sturlin ..... Planning Commission Chairman

**EXCUSED:** Molly Stevens .....Planning Commissioner  
Matthew Kesler .....Planning Commissioner  
Greg Greathouse .....Planning Commissioner

**ALSO PRESENT:**

Adam Richins..... Planning and Zoning Administrator  
Angi Meinhardt..... Secretary  
Dean Draper .....Millard County Commissioner  
David Remkis..... Flowell Resident  
Steve Maxfield ..... Kanosh Resident  
Matt Word ..... Millard County Chronicle Progress  
Connor Kent.....Applicant  
Corah Sunni Kent .....Applicant  
Bob Rogers..... Delta 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 6:36 pm. He welcomed all present.

**2. PUBLIC INPUT**

**3. PUBLIC HEARING—**Zoning Ordinance Map Amendment Application # Z-2019-039 requesting to change the zoning of property located approximately 1 Mile East of Flowell West of Fillmore from Agriculture 20 (Ag-20) to Agricultural

Industrial (AI) to allow for the permitting and subsequent construction of a Confined Animal Feeding Operation—Kent Cattle Company, LLC, Applicant

Commissioner Joyce Barney made a MOTION to open public hearing for application Z-2019-039 for a zone change From Ag-20 to AI. Commissioner Tom Nielson SECONDED the motion. Public Hearing opened at 6:37 pm.

Applicant Cora Kent approached the Commission and gave a description of her proposed CAFO for a wild horse project.

Commissioner David Sturlin asked how this project came to be. Applicant Cora Kent stated this would be a contract with the BLM. The contract is being evaluated with BLM right now. They are just wanting to be prepared if they do get the contract with BLM.

There was discussion of the contract period. Applicant stated it is a 5-year contract with the option to re-apply.

There was discussion of the water rights the applicants will need for the CAFO.

Steve Maxfield asked if the applicant could explain the expansion they would like to do in the future.

There was discussion of the mandated area around the Fillmore City well. There was discussion that the source protection zone falls short of where this property is located. The Commission would like this concern verified.

Steve Maxfield asked to address the BLM contract of the RFP with the base minimum. He asked what the maximum number of horses that they are allowed to have. Applicant Cora Kent stated the maximum amount is 3500, and the minimum amount is 500 horses. Cora Kent stated they only applied for 1000 horses with the option to expand to 1500 horses. They are not applying to have 3500 head of horses at their facility.

There was discussion of the disposal of the death loss. There was discussion that there would not be that much of an issue and they are planning to use the flesh pit at the landfill.

There was discussion that the facility has to have 6-foot fence around the horses, along with 2 other exterior fences around the facility as well. There is not a big concern of the horses getting out of the fences.

There was discussion of how long it will take for the BLM to notify the applicants if they are approved. Applicant stated they were told maybe by the new year, but they are unsure of how long it will take for a response from the BLM. There was

discussion of the applicants only having 120 days to get the facility ready if they were approved by the BLM.

Conner Kent approached the Commission and stated this will not be a permanent facility. If they wanted to retire, they could take it down.

There was discussion of the horses using between 4500 to 5000 ton of hay per year. Along with discussion of the manure waste disposal.

There was discussion of the quarantine of diseases. Along with the fly control.

David Remkis approached the Commission. He asked if there was going to be any anaerobic sewer lagoons. Applicants confirmed they are not having in lagoons.

David Remkis stated he thinks it will take a little more than 15 acres for the facility. He stated he did the math and they will have to have about 16 acres for the corals with roads in between.

Steve Maxfield approached the Commission and stated that the Commission needs to take more time on these kinds of applications. He gave some examples of some other wild horse facilities. He stated he has spoken to the BLM about the proposed facility. He is concerned about the Zone Change. He went over some of the minutes from the Millard County Commission Meeting from November. Steve Maxfield thinks the Commission should see the contract between the BLM and the applicants before they make a decision. He is also concerned that there is no mitigation plan. He does not think this is consistent with the general plan.

Commissioner Sturlin stated that the Commission has received written comment from Jeff and Heidi Smith including concerns such as:

1. Stench
2. Disease
3. Protection of the water source
4. Light pollution
5. Bad economics and loss of future property tax revenue
6. Compatibility with nearby properties
7. Suitability
8. Public protests against BLM wild horse holding facilities

Applicant Conner Kent approached the Commission and stated they are following the government guidelines with the facility. He stated they are too close to town to build a hog farm and he has no intentions of building one. He stated this is Agriculture as it will use local hay to feed the horses. He does not think they are jumping the gun on the application. The BLM works at their own pace. If they don't get the contract, they will not be putting anything on the property.

Commissioner Tom Nielson asked how it would affect the applicant if the Commission waited until they know that they get the contract with BLM to make the recommendation. Applicant stated they would like the approval tonight but is willing to have it contingent if they get the contract. If they don't get the contract it would stay in A20.

Commissioner Joyce Barney stated she would like to have more details about the water source. Commissioner Joyce Barney would also like to have more time to make sure this goes along with the general plan before the Commission gives a recommendation.

Steve Maxfield stated that we need to make these things contingent. These horses are not being beneficial and it is not agricultural.

Bob Rogers approached the Commission and stated has concerns of this facility contaminating the water system. He thinks this should have contained manure.

David Remkis thinks that property owners within 7 miles should be notified of any CAFO applications. He also suggested that the applicants re zone a portion of the land to AI and if they need more land in AI they can re-apply.

Cora Kent stated wild horses are a political issue but right now they are just talking about a zone issue not an animal issue. This is an agriculture facility. There was discussion of water sources and applicant having enough water for the project.

Conner Kent stated they want to play by the rules but this was the first step and they would like to be an asset to the county.

Commissioner Tom Nieslon made a MOTION to close public hearing for application Z-2019-039. Commissioner Demar Iverson SECONDED the Motion. Public hearing closed at 7:42 pm.

**4. REVIEW and POSSIBLE RECOMMENDATION** – Zoning Ordinance Map Amendment Application # Z-2019-039 requesting to change the zoning of property located approximately 1 Mile East of Flowell West of Fillmore from Agriculture 20 (Ag-20) to Agricultural Industrial (AI)—Kent Cattle Company, LLC, Applicant

Commissioner Tom Nielson stated he was concerned about the city well, water rights, and the run off.

Planner Adam Richins stated we are short legal counsel tonight. This can be tabled as the recommendation does not have to be tonight but it does have to be addressed before it moves forward to the BOCC.

Commissioner Joyce Barney made a MOTION to table application Z-2019-039 for a zone change from Ag-20 to AI. Commissioner Tom Nielson SECONDED the motion. Commissioner David Sturlin apposed. Commissioner Sturlin stated the Commission needs to send a favorable or non-favorable recommendation and send it forward. Motion passed.

The Commission advised the applicant to bring back more information that will address the source protection area with Fillmore City, mortality plan, feed plan, waste disposal plan, address how they will take care of flies and disease, water rights and water runoff.

## **5. OTHER BUSINESS**

Planner Adam Richins gave acknowledgement of Commissioner Molly Stevens not renewing her position on the Planning Commission. They wanted to publicly thank her for her time spent on the Planning Commission.

There was discussion of the next regular meeting date of January 8<sup>th</sup> 2020.

There was a great thanks and acknowledgment for Millard County Attorney Richard Waddingham for contributing to the Commission in the past years.

There was discussion of the moratorium. As the citizens' initiative is placing this issue on the ballot.

## **6. APPROVAL OF MINUTES – October 2, 2019 Planning Commission Meeting.**

The proposed minutes of the regular Commission meeting held October 2, 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 October 2, 2019 as corrected. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

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

## **8. ADJOURNMENT**

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

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Dated this \_\_\_ day of \_\_\_\_\_ 2020  
David Sturlin, Chairman  
Millard County Planning Commission