

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
June 3, 2020**

The Millard County Planning Commission met on Wednesday June 3rd, 2020 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
Tom Nielson.....Planning Commissioner
John Nye.....Planning Commissioner
Demar IversonPlanning Commissioner
David Sturlin Planning Commission Chairman
Matthew KeslerPlanning Commissioner

EXCUSED: Greg GreathousePlanning Commissioner

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Angi Meinhardt..... Secretary
Dean DraperMillard County Commissioner
Chad Warnick Millard County Resident
Rick Johnson Millard County Resident
Amie Johnson Millard County Resident
Mandi Stefanoff.....Applicant
Patrick StefanoffApplicant
Bob Viveiros..... Millard County Resident
Candi Stephenson Millard County Resident
Stetson Henrie Millard County Resident
John Henrie Millard County Resident
Greg NyeApplicant
Kate NyeApplicant
Maria NyeApplicant
Steve StylerStyler Daniels Law
Daren Smith..... 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 6:32 pm. He welcomed all present.

2. PUBLIC INPUT

No public input at this time.

3. PUBLIC HEARING—Application # Z-2020-012 to amend the Table of Uses and Use Definitions located in Title 10, Chapter 25, Appendix A of the Millard County Zoning Ordinance, to include Health and/or Fitness Center as a permitted or conditional use within the Millard County Zoning Districts

Tom made a motion to open public hearing. John second. Opened at 6:34 pm.

Applicant Mandi Stefanoff approached the Commission and gave a reason for submitting the application.

There was discussion and review of the application.

There was discussion of why this is not currently in the matrix.

Planner Adam Richins stated that the applicant left it up to the Planning Commission to determine compatible zoning district and appropriate levels of permitting as they see needed.

Commissioner Joyce Barney made a MOTION to close the public hearing for application Z-2020-012. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 6:44 pm.

4. DISCUSSION and POSSIBLE RECOMMENDATION –Application # Z-2020-0112 to amend the Table of Uses to include Health and/or Fitness Center as a permitted or conditional use within the Millard County Zoning Districts.

There was a discussion of the recommendations listed in the staff report.

There was discussion of how the Commission wants to fit this definition in the ordinance.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation to the BOCC for application Z-2020-0112 to amend the Table of Uses to include health and/or Fitness center in the Millard County Zoning District and include condition that surrounding land owners sign off on the AG exception when they are in those zones. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

5. PUBLIC HEARING—Application #Z-2020-014 to amend Conditional Use Permit # Z-2001-014, and allow for an increase in animal units at an existing Level 3 Confined Animal Feeding Operation located approximately 2 miles northwest of Delta. John B Nye, Applicant

John Nye would like to step down from voting for agenda items 5-12.

Commissioner Joyce Barney made a MOTION to open public hearing for Application Z-2020-014. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public Hearing opened at 6:56 pm.

Commissioner David Sturlin asked to have discussion on all of the remaining applications during this public hearing for time management.

Applicant John Nye approached the Commission and gave a description of the previous CUPs for the CAFOs. John Nye stated he just wants to bringing the CUPs up to date.

There was discussion of the Certified Nutrient Management Plan (CNMP). Applicant Reads Calf Ranch Summary from the application.

Rick Johnson approached the Commission. His concerns are the number of cows that are on the locations, manure smells, rotten milk smell, and the many fly's. He thinks this is a health issue during the summer months.

Greg Nye, Partner in Nye Dairy discussed the concerns of Rick Johnson. He stated they are not adding anymore animals, they are just trying to get the CUPs up to date. They are trying to find solutions to the addressed problems. Greg Nye stated they're always willing to discuss concerns of the neighbors and find solutions for the problems.

Commissioner Tom Nielson stated he is amazed at the way the Nye's try to take care of all the concerns of a dairy. He thinks this is a top-notch facility.

There was discussion of the manure mitigation.

There was discussion of the original animal units on the permit compared to the amended requesting units. Maria Nye approached the Commission and discussion the animal units. She then gave more description of the calves and process of the Calf Ranch.

There was discussion of the dust being there even if the operation was not there due to the sandy area.

Bob Viveiros with Cross Roads Dairy approached the Commission. He also wants to grow his business but also has the same concerns. Bob Viveiros stated that

there is nothing that can be done about the dust because of the sandy area. He then stated there is lots of recourses and technology that help mitigate the odors and fly's etc. He stated that the technology is constantly changing and finding new ways to mitigate things.

Candi Stephenson approached the Commission. She asked if the acreage is still the same. There was confirmation that the Nye's are not expanding the acreage. Candi Stephenson asked to make the regulations more accessible to the public. Greg Nye stated there is State regulations that they have to follow.

Stetson Henry approached the Commission and stated he is a neighbor to the Calf Ranch. He stated that this facility is amazing and he is very satisfied with how they treat their neighbors. He knows that the Nye's are doing everything that they can to mitigate the neighbor's concerns.

There was discussion of the operations going above and beyond the state regulations and they do it out of personal pride.

Commissioner Tom Nielson made a MOTION to close public hearing. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:49 pm.

6. REVIEW and POSSIBLE RECOMMENDATION –Application #Z-2020-014 to amend Conditional Use Permit # Z-2001-014, and allow for an increase in animal units at an existing Level 3 Confined Animal Feeding Operation. John B Nye, Applicant

Commissioner David Sturlin reads the reasonable conditions listed in the staff report.

There was discussion of the disposal of the animals.

There was discussion of the water rights on each facility.

Commissioner Matthew Kesler made a MOTION to send a favorable recommendation to the BOCC for application Z-2020-014 with the 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 feeding 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.

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

7. PUBLIC HEARING—Application #Z-2020-015 to amend Conditional Use Permit # C-92-036, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation located approximately 2 miles northwest of Delta. John B Nye, Applicant

Commissioner Joyce Barney made a MOTION to open public hearing for application Z-2020-015. Commissioner Tom SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:56 pm.

John Nye approached the Commission and gave a description of the Horizon Dairy operation. They compost the mortality. There may be some bones that are left over taken to the landfill but that is it.

Planner Adam Richins stated that this application is slightly different than the rest as it does not have an exact number for animal units.

There was discussion of how long the CAFO was added to the state code. Maria Nye and Steve Styler stated probably in the early 2000. There was a lot of people involved in the making of the state codes.

Commissioner Tom Nielson made a MOTION to close the public hearing. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public Hearing closed at 8:07 pm.

8. REVIEW and POSSIBLE RECOMMENDATION –Application #Z-2020-015 to amend Conditional Use Permit # C-92-036, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation. John B Nye, Applicant

Commissioner Joyce Barney asked if we could add a recommendation in the permit that they verify they have adequate water rights.

Commissioner Joyce Barney made a MOTION to send a favorable recommendation to the BOCC for Application Z-2020-015 to amend CUP C-92-036 with the provided 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 feeding 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.
7. Verification of adequate water rights

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

- 9. PUBLIC HEARING**—Application #Z-2020-016 to amend Conditional Use Permit # C-95-024, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation located approximately 2 miles northwest of Delta. John B Nye, Applicant

Commissioner Tom Nielson made a MOTION to open public hearing for application Z-2020-016. Commissioner Matthew Kesler SECONDED the motion. Public hearing opened at 8:10 pm.

John Nye gave a summery and description of the Mountain View Dairy. He stated that a lot more things happen at this dairy such as milk and care for around 4000 animals. Also, on this site they take care of mortalities, animal waste and there is an animal hospital at this location.

Planner Adam reads reasonable conditions listed in the staff report.

Commissioner Joyce Barney made a MOTION to close public hearing. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 8:18 pm.

- 10. REVIEW and POSSIBLE RECOMMENDATION** –Application #Z-2020-016 to amend Conditional Use Permit # C-95-024, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation. John B Nye, Applicant

There was discussion of the recommendation listed in the staff report. Commissioner Joyce Barney would like to add the same condition to verify the adequate water rights for this site.

Commissioner Demar Iverson made MOTION to send a favorable recommendation to the BOCC for application Z-2020-016 to amend CUP C-95-024. With conditions listed in the staff report

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 feeding 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.
7. Verification of adequate water

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

11. PUBLIC HEARING—Application #Z-2020-017 to amend Conditional Use Permit # C-94-034, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation located approximately 2 miles northwest of Delta. John B Nye, Applicant

Commissioner Joyce Barney made a MOTION to open public hearing for application Z-2020-017 to amend CUP C-94-034. Commissioner Tom Nielson SECONDED the motion Public hearing was opened at 8:19 pm.

Applicant John Nye explained to the amendment for the North Pasture operation.

Planner Adam Richins stated that the reasonable conditions in this application are the same as the previous application. Adam stated with in the past 3 years there has not been any formal complaints. He has yet to see any formal complaints to the county even prior to the 3 years of him being the planner.

Commissioner Matthew Kesler made a MOTION to close public hearing on application # C-94-34. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

12. REVIEW and POSSIBLE RECOMMENDATION –Application #Z-2020-017 to amend Conditional Use Permit # C-94-034, and allow for an increase in animal units at an existing dairy, a Level 3 Confined Animal Feeding Operation. John B Nye, Applicant

Commissioner Joyce Barney asked again for the water verification on this application as well.

Commissioner Matthew Kesler made a MOTION for a favorable recommendation for application Z-2020-017 to amend CUP C-94-034 provided all of the reasonable conditions listed in the staff report:

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 feeding 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.
7. Verification of adequate water rights.

Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

13. OTHER BUSINESS

There is no other business at this time.

14. APPROVAL OF MINUTES – May 6, 2020 Planning Commission Meeting.

The proposed minutes of the regular Commission meeting held May 6, 2020 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for May 6, 2020 as corrected. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

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

16. ADJOURNMENT

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

Dated this ____ day of _____ 2020

David Sturlin, Chairman

Millard County Planning Commission