

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
July 12, 2023**

The Millard County Planning Commission met on Wednesday July 12, 2023, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
John Nye..... Planning Commissioner
Erin Sorenson Planning Commissioner
Phil Morrison Planning Commissioner
DeMar Iverson Planning Commissioner
Peter Greathouse Planning Commissioner

EXCUSED:

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood Secretary
Denton Peterson Deputy County Attorney
Bruce Coombs Applicant
Juztin Osmar..... Applicant
Dennis Alldredge Millard County Resident
Michelle Ramirez Applicant
Juan Ramirez..... Applicant
Dana Carling..... Millard County Resident
Keli Dahl Millard County Resident
Scott Patton Cal-Maine Foods
Jace Morgan Applicant
Kwincy Morgan Applicant

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 called the meeting to order at 6:31 pm. He welcomed all present.

2. PUBLIC INPUT- There wasn't public input.

3. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2023-038 for a Single-Family Dwelling at approximately 1911 East Main Street Delta.

Applicant Jace Morgan approached the commission and gave a description of his application.

There was discussion about the zone of the property.

There was discussion about where the driveway would be located. The applicant has been in contact with UDOT to determine the location.

There was discussion about the setbacks.

Commissioner DeMar Iverson made a MOTION to approve application #Z-2023-038 with the proposed reasonable conditions and based on its conformance with the general plan. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-1 Conditional Use Permit application permitting the single-family dwelling with the

following reasonable conditions:

a) Setbacks from property lines shall be those identified in 10-25-2 Appendix B-1 in the Agriculture (Ag) Zoning District column.

b) Access to the dwelling from the road be limited to a single driveway.

2. Basis for Recommendation or Approval of the C-1 Conditional Use Permit:

10-8-3: Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Use Applications

a) The proposed use is a conditional use within the zoning district as identified in section 10-25-1 Appendix A, table of uses. **Yes**

b) The proposed use complies with all requirements of the zoning district, including all minimum area, setbacks, height, and all other requirements as applicable. **Yes**

c) The proposed use will be conducted in compliance with the requirements of this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations. **Yes**

d) The property on which the use is proposed is of adequate size to permit the conduct of the use or sign in a manner that will not be detrimental to adjoining and surrounding properties. **Yes**

e) The proposed use with all site plan and building requirements, as provided and required by this title, all other applicable land use ordinances, and all applicable federal, state, or local requirements and regulations. **Yes**

f) The proposed use complies with all applicable dedication requirements of the county and provides the necessary infrastructure, as required. **Yes**

g) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the county as a whole. **Yes**

4. REVIEW and POSSIBLE APPROVAL—Application #Z-2023-033 for a Non-Plat Subdivision located at approximately 932 N 7000 W Delta (Hinckley). Jzutin Osmar, Applicant

Applicant Jzutin Osmar approached the commission and gave a description of his application.

There was discussion about the utilities in the area.

Planner Adam Richins presented a map from Landon Rowley showing an area that he would like applicants to get his signature on their application. Anything inside the boundaries would not require his signature.

There was discussion about making sure the responding fire department is aware of new structures in the area rather than get Landon Rowley's signature.

There was discussion about water rights owned by the applicant.

Commissioner DeMar Iverson made a MOTION to approve application #Z-2023-033 with the proposed reasonable conditions and based on its conformance with the general plan. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the Non Plat Subdivision creating a 20.0 acre legal lot of record.

2. Basis for Recommendation or Approval of the Minor Subdivision:

11-3-1: MINI SUBDIVISIONS

A. Conditions: Any property owner or an owner's agent (hereinafter a "property owner") may submit to the County Recorder's office for recording a document that subdivides property by metes and bounds into nine (9) or fewer parcels, without the necessity of recording a final plat if:

1. The Planning Commission has reviewed the document and has given the County Commissioners its recommendation on the subdivision application; and

2. The document contains a certification of approval signed by the chairman of the County Commissioners or his designee that:

a. The Planning Commission has given its recommendation to the County Commissioners;

b. The subdivision is not traversed by the mapped lines of a proposed street as shown in the master plan and does not require the dedication of any land for streets or other public purposes;

c. Each parcel in the subdivision meets the minimum area, width, access, and frontage requirements of the zone in which the property is located, or has been granted a variance from those requirements by the Board of Adjustment.

B. Use Restrictions: The uses on parcels created under this section must be either permitted or conditional uses in the zone district in which they are located. Non plat subdivisions which result in the creation of three (3) or fewer lots will be presumed to be for the primary purpose of supporting agricultural uses rather than for primarily residential purposes.

C. Lot Size: The sizes of the lots created in a three (3) or fewer lot, non plat subdivision may be smaller than the minimum lot size required in the zone in order to preserve agricultural land uses.

D. One Time Process; Information on Deed: This special provision may be utilized only once per parcel of property. Parcels of land which are subdivided under these special circumstances must be deed restricted with a notation on the documents of conveyance that this one time election has been exercised and that the resulting parcels may not be further subdivided without recordation of an approved subdivision plat. The deed restriction shall also contain a statement that subsequent owners of the created parcels are on notice that the parcels are in an agricultural zone, were created for the support of agricultural activities, and may be subject to the noises, odors and other conditions typical of agricultural activities. (Ord. 01-08-27A, 8-27-2001, eff. 10-8-2001)

5. REVIEW and POSSIBLE APPROVAL— C-1 Conditional Use Permit Application #Z-2023-037 for Temporary Construction Housing at approximately 4255 W 4500 S Delta. Bruce Coombs, Owner/Applicant.

Applicant Bruce Coombs approached the commission and gave a description of his application.

Planner Adam Richins stated the reason this application is on the agenda is because the subject property is located in the Residential (R-1) zoning district which allows for temporary construction housing as a C-1 Conditional Use. The commission is to determine if any other conditions may apply.

There was discussion about the utilities in the area.

The commission went over the reasonable conditions with the applicant.

Commissioner Erin Sorenson made a MOTION to approve application Z-2023-037 based on its conformance with the general plan and the proposed recommendations. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

The application as submitted complies with the requirements of this title, all other applicable ordinances and resolutions, and the building codes as adopted, and should be considered for approval with reasonable conditions to address the health, safety, and welfare of surrounding property owners and should be consistent with conditions which could foreseeably exist. Proposed Reasonable Conditions for the Temporary Construction Housing:

- A. Not more than four (4) total RV spaces be developed.
- B. Setbacks to be the same as primary buildings in the residential zoning district.
- C. Site improvements shall be made to provide water, power, and sewer/septic for each space.
- D. Onsite waste containers be provided for solid waste. All waste be disposed of in permitted landfill.
- E. Fire prevention measures be implemented, any campfires be limited to approved firepits.

F. Owners shall be responsible for all site security.

G. Permit shall be subject to review at any time to ensure the operation is in compliance with all conditions and requirements of approval.

6. PUBLIC HEARING—C-2 Conditional Use Permit Amendment Application #Z-2023-036 to allow the addition of two (2) additional Layer Barns to the existing complex. Cal-Maine Foods, Inc., Owner/Applicant.

Commissioner Peter Greathouse made a MOTION to open the public hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Scott Patton with Cal-Maine Foods approached the commission and gave a description of the application.

Planner Adam asked for a description of the surrounding property owned by Cal-Maine.

Commissioner John Nye made a MOTION to close the public hearing. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Amendment Application #Z-2023-036 to allow for two (2) additional Layer Barns.

There was discussion about available water and power in the area.

Planner Adam Richins stated that the conditions in this application are the same in existing conditional use permit.

There was a discussion about the compost.

Planner Adan Richins stated that he has had conversations with surrounding neighbors and hasn't heard any complaints.

Commissioner Peter Greathouse made a MOTION to send a favorable recommendation for application #Z-2019-026 with recommendations A-H to the BOCC. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

Approve the Amendment to Conditional Use Permit #Z-2001-006 / Z-2019-026 to permit the construction and development of the expanded Egg Production Facility as proposed with the following (existing) reasonable conditions:

- 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.
- 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), composting 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.

8. PUBLIC HEARING—C-1 Conditional Use Permit Application #Z-2023-039 for a Commercial Kennel at property located approximately 2735 West Sunflower Lane Fillmore—Juan & Michelle Ramirez, Applicants

Commissioner Erin Sorenson made a MOTION to open the public hearing.
Commissioner John Nye SECONDED the motion.

Applicants Michelle & Juan Ramirez approached the commission and gave a description of their application.

Dana Carling approached the commission and stated her concerns regarding the application.

Kelly Dahl, a friend of Dana Carling approached the commission and stated that she has personally seen the impact of the dogs on her friend's health.

Planner Adam Richins stated that there has been other correspondence sent to him the day of the meeting. There wasn't time to distribute the correspondence.

Dana Carling approached the commission and distributed documents that she had spoken about prior.

Commissioner Joyce Barney made a MOTION to close the public hearing. Commissioner Phil Morisson SECONDED the motion. Voting was unanimous in the affirmative.

9. REVIEW and POSSIBLE APPROVAL – Application #Z-2023-039 for a Commercial Kennel at property located approximately 2735 West Sunflower Lane Fillmore

There was discussion about the type of fence surrounding the property.

There was discussion about the size and material of the dog runs and fencing surrounding the property.

There was discussion about water access for the dogs.

The commission asked the applicant to give description about an incident when 2 of the dogs got out of the yard. The applicant stated it was a miscommunication on their part.

There was discussion about how many dogs will be on site. The applicant stated they do not want to have more than 20 dogs on site including their personal dogs.

The applicant stated that she is a Vet Tech and that all of their dogs are vaccinated and it is policy that all the dogs on the property be vaccinated before being boarded.

Juan Ramirez stated that one of their dogs is deaf and barks really loudly when he chases the birds on the property.

Michelle Ramirez stated that they purchased the property in 03/2022 but the previous owner was going through a rough patch and was allowed to stay on the property until 11/2022. A lot of the complaints from Mrs. Carling were from before the applicants actually moved onto the property.

There was discussion about the material the applicant plans on using when they build the permanent structures. The applicant stated they will use blocks because they act as a sound barrier.

Commissioner Joyce Barney asked the applicant if they have a current business license with Millard County. The applicant stated that they do and they are fully insured with Farm Bureau.

There was discussion about whether the subdivision has any CC&R that have controls on commercial businesses and whether this type of operation is allowed in the subdivision.

There was discussion about how the applicant would be able to manage the barking and how the noise from barking could be mitigated.

There was discussion about the number of dogs to be allowed outside at any one time.

Commissioner John Nye stated that this is a permitted use under a conditional use permit but was wondering if there was a way to add reasonable conditions concerning the noise and animals running around.

Deputy County Attorney Denton Peterson asked the applicant if they had any recommendations to help with the noise. The applicant stated that building the kennels out of block and the direction the kennels will face will act as a sound barrier. Also, the number of animals in the kennel at any one time.

Michelle Ramirez stated they do not want an excessive number of dogs.

Commissioner David Sturlin made a MOTION to postpone this application to the next regularly scheduled meeting to give the applicant time to provide more information about their business operations, industry standards and site plan to the commission that the commission felt it needed. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

10. OTHER BUSINESS Planner Adam Richins stated there was a kick off meeting today with Jones & Demille engineering to start on the transportation plan and gathering information that will be brought before the commission.

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

12. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held on May 3, 2023 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner John Nye made a MOTION to approve the minutes from March 29th, 2023. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

13. ADJOURNMENT Commissioner John Nye made a MOTION to adjourn at 9:01 pm. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2023
David Sturlin, Chairman
Millard County Planning Commission

