

**Planning & Zoning Commission Meeting**  
**County Administration Building, Duchesne, Utah**  
**December 1, 2021 - 5:00 p.m.**

**In Attendance were:**

Gary Sorensen, Planning Commission Chairman  
Brad Wells, Planning Commissioner  
Ken Richens, Planning Commissioner  
Connie Sweat, Planning Commissioner

Mike Hyde, Community Development Administrator  
Mike Gottfredson, Assistant Community Development Administrator  
CoraLee Sanchez, Planning Commission Secretary

**Visitors:**

Tracy and Peggy Killian	Keith Young
Dave Evans	Troy Cooper, USU Extension
Chet Hansen	Austin Abbott
Dustin Lemon	Brent and Erica Gillman
Rodger Ames	Darrell Gillman, Dept. of Ag & Food
Jason Riley	Trent and Eileen Potter
Brandon Bench	Tom and Billie Henderson
Brandon Hartman	Tim and Dana Shepard
Lacey Cloward	Henry Remund
Lance Denver	Stephen Remund
Sue Denver	Matt Betts
Tyrel Killian	Clinton Moon
Mali Harrison	Conley Moon
Kirk Christensen	Greg Miles, County Commissioner
Ben Henderson, County Public Works	Jacob Francom, Utah Farm Bureau
Gary H. Jenkins	Paul Percival
Shane Rowley	Terry Nelson
Irene Hansen, County Commissioner	Randy Fitzgerald
Jim Young	

Chairman Sorensen opened the meeting at 5:00 pm and read the rules of order. He asked if any of the Planning Commission Members had any ex-parte contacts or conflicts of interest associated with any item on the agenda. There were none, so the meeting proceeded.

The Commission welcomed new Assistant Community Development Administrator, Mike Gottfredson, to his first Commission meeting.

County Commissioners Irene Hansen and Greg Miles presented a plaque to Brad Wells in appreciation of his eight years of service on the Planning Commission. Ryan Clark, who has elected not to serve a second term, will be recognized for his four years of service at a later date.

**NEW BUSINESS:**

A. Request for Final Plat approval of the Red Feather Subdivision by Lance Denver.

Mr. Hyde presented the staff report and indicated that preliminary plat approval had been granted at the July 7, 2021 meeting, subject to the following conditions. Mr. Hyde presented findings indicating the status of compliance with these conditions as follows:

1. Final protective covenants shall be provided and approved by the County at the final plat approval stage. **Findings: The final Declaration of Protective Covenants and Restrictions for the Red Feather Subdivision (attached to this report) have been submitted and are ready to record with the final plat.**
2. The final plat shall include any easements revealed after preparation of a title report. **Findings: The title report was completed by Sunrise Title Company on October 26, 2021. Easements noted on the title report have been depicted on the final plat.**
3. A DEQ storm water permit shall be obtained if construction of this subdivision disturbs one acre or more of land and if required by the DEQ Water Quality Division. **Findings: The subdivider contacted the Utah DEQ Water Quality Division and was not required to obtain a storm water permit.**
4. Prior to final plat approval and occupancy of any homes in the subdivision, all subdivision road improvements, including ditches, culverts and street signs, shall be installed to county standards and accepted by the Public Works Director, unless a bond in the amount of 100% of the construction cost estimate is posted. **Findings: The subdivider has hired Burdick Materials to install the road base for 560 West Street. The pavement is scheduled to be installed at the beginning of the 2022 construction season. The subdivider will deposit a check with the County Treasurer for the balance of the road work to be done before the final plat is signed and recorded.**
5. Prior to final plat approval and occupancy of any homes within the subdivision, all subdivision water system improvements, including fire hydrants, shall be constructed in accordance with plans approved by the Johnson Water District and approved for use by the District, unless a bond in the amount of 100% of the construction cost estimate is posted. **Findings: The Johnson Water District has received approval from the Utah Division of Drinking Water to install water lines up to 16" diameter, with no booster pumps, without needing state plan approval and operating permits. The District verified by letter dated November 12, 2021, that the Red Feather Subdivision has been constructed with an 8" water line, sixteen ¾ inch water services and two fire hydrants as required by the County Fire Department. The water line has been pressure tested and disinfected and is ready for use.**

Based on these findings, Mr. Hyde recommended that the Planning Commission recommend to the County Commissioners that the final plat be approved, subject to the following condition:

The subdivider shall submit a financial guarantee to the County for the completion of 560 West Street to county standards, prior to recording of the final plat.

As there were no questions of the staff report, Chairman Sorensen called on the applicant to speak.

Mr. Denver indicated that he believed that the road cross section showing on the preliminary plat was what he was approved to build. Mr. Hyde referred to condition #4 of preliminary plat approval, which stated that if the road is to be accepted for maintenance by the County, it would need to be approved to a standard approved by the Public Works Director. The cross section showing on the preliminary plat was an old standard pre-dating the county transportation plan.

Ben Henderson, Public Works Director, noted that the 2017 County Transportation Master Plan has flexible road sub-base, base and pavement standards based on the nature of the underlying soils. Mr. Henderson agreed to reimburse the cost of Mr. Denver hiring an engineer of his choice to conduct a soils study and develop a recommended road cross section.

Mr. Denver indicated that Burdick Materials is installing the road base now and he plans to let it sit over the winter before paving in 2022. Between now and then, he will decide whether the road will be constructed to County standards or to a private road standard.

Mr. Hyde noted that once that decision is made, the County will accept a performance guarantee from Mr. Denver and hold it in an account until the road is completed; including pavement. Then, the final plat can be considered for approval by the County Commissioners.

At the conclusion of the discussion, Commissioner Wells moved to approve the final plat of the Red Feather Subdivision, as recommended by staff, with the understanding that the subdivider has the option of constructing the access road to private standards. If he elects to construct a private road, he must submit a financial guarantee based on the cost of those uncompleted improvements.

The motion was seconded by Commissioner Richens and passed unanimously.

B. Consideration of the Planning Commission's 2022 meeting schedule.

Mr. Hyde presented the proposed meeting schedule, with the meetings anticipated on the first Wednesday of every month in 2022.

A motion was made by Commissioner Sweat to approve the meeting schedule. The motion was seconded by Commissioner Richens and passed unanimously.

### **PUBLIC HEARINGS:**

Recommendation to the County Commissioners regarding Ordinance #21-390; amending the zoning ordinance and zoning map to establish locations where large concentrated animal feeding operations would be permitted via a conditional use permit process.

Mr. Hyde explained that, as a result of controversy associated with the expansion of hog farming operations in Millard County, the state legislature passed a bill in the 2021 general session to require counties wishing to regulate the location and operation of Large Concentrated Animal Feeding Operations (CAFOs) to pass an ordinance and establish at least one mapped area where they could be located, by February 1, 2022.

Mr. Hyde indicated the number of animals of varying species being fed that reach the threshold of a Large CAFO. Examples of existing Large CAFOs in the County are the Fitzgerald, 4C Farms and Harvey dairies in the Bridgeland, Arcadia and Pleasant Valley areas respectively.

Mr. Gottfredson explained that the current county ordinance requires a 10,000-foot setback from incorporated towns, platted subdivisions, public or private water wells, public springs, public water intakes and a setback of 1,000 feet from property lines. A GIS analysis revealed that the current code would prohibit new Large CAFOs in most areas of the county, with a few exceptions, which were displayed on a map.

Mr. Gottfredson noted that the County has been in contact with other counties in the state as they wrestle with this requirement. We have heard that hog farms are the main issue and that their odors can travel 8 to 11 miles in some circumstances. The area being proposed for Large CAFOs in Duchesne County is located south of Bridgeland, extending from west of Antelope Creek easterly toward the Pleasant Valley area. The proposed Uinta Basin railway would be located in this area, which could be beneficial to a Large CAFO.

Mr. Hyde presented the staff report, indicating how the proposal complies with the criteria for zoning map and text amendments and recommended that the Planning Commission recommend to the County Commissioners the approval of Ordinance #21-390.

As there were no questions of the staff, Chairman Sorensen called for those wishing to speak to the proposed ordinance. He asked that testimony be limited to 5 minutes due to the large number of attendees wishing to speak.

Shane Rowley, representing the Duchesne County Farm Bureau, spoke. He questioned the designation of only one area. He felt that areas such as western Arcadia, the Koch Field, Talmage and the Blue Bench could be considered. Areas east of Neola are probably not suitable due to the Roosevelt City water source.

Mr. Rowley also spoke of the issues that farmers face as more residential development occurs and that farming operations need to be protected from complaints.

Mr. Hyde noted that there are "Right to Farm" laws and tools such as Agricultural Protection Zones that can be used to address the incompatibility issues.

Tracy Killian spoke; noting that he has close to 1,000 head of cattle and that residential development south of Roosevelt keeps getting closer. He is concerned whether this proposed ordinance would affect his operation.

Mr. Hyde indicated that the proposed ordinance would regulate new Large CAFOs; not existing ones.

Commissioner Wells inquired what other counties are doing and could they establish operations near the border that could affect Duchesne County?

Mr. Gottfredson noted that there was a cross-jurisdictional problem at the boundary between Garfield and Piute counties. A Large CAFO was permitted in Garfield County, located about 500 feet away from the town of Circleville in Piute County.

Mr. Hyde noted that our neighboring counties are considering this issue as well and that any CAFOs in Uintah County would be downwind from Duchesne County; given the prevailing winds.

Brandon Hartman spoke; questioning whether existing animal feeding operations would be able to expand into Large CAFO status if they are located outside of the proposed map area? The County should not prevent local cattlemen from growing their herds.

Mr. Hyde replied that the proposed ordinance is intended for new Large CAFOs, with feeding occurring at one location as opposed to operations that may have feeding locations spread across several parcels.

Brandon Bench spoke, indicating that the proposed CAFO area is not an area with potential to grow feed and not an area with existing fields that manure could be applied to.

Dustin Lemon spoke and suggested that the ordinance clarify whether change in ownership or operator would jeopardize the grandfathered status of an existing Large CAFO.

Dave Evans spoke and stressed the need of operators to grow to stay solvent and to feed a growing population.

Darrell Gillman spoke and noted that the NRCS no longer recommends the use of anaerobic digesters in many instances. He encouraged the Commission to table the matter to allow a work group to meet and discuss amending the ordinance and map to address the questions raised tonight.

Chairman Sorensen called for discussion and inquired who among the attendees would be willing to serve on a working group. The following individuals were appointed to the working group: Dave Evans, Chet Hansen, Conley Moon, Troy Cooper, Darrell Gillman, Tracy Killian, Tom Henderson and Mali Harrison.

Commissioner Wells made a motion to recess this public hearing until January 5, 2021 to allow time for the working group to meet and make recommendations. Commissioner Sweat seconded the motion and it passed unanimously.

**Minutes: Approval of July 7, 2021 minutes:**

Commissioner Sweat moved to approve the minutes of the July 7, 2021 meeting. Commissioner Richens seconded the motion and it passed unanimously.

**Commission Comments and Staff Information Items:** None

**Adjournment:**

The meeting adjourned at 6:54 p.m.