

**Planning Commission Meeting
County Administration Building, Duchesne, Utah
January 5, 2022 - 5:00 p.m.**

In Attendance were:

Gary Sorensen, Planning Commission Chairman
Jenny Giles, Planning Commissioner
Bobby Drake, Planning Commissioner
Connie Sweat, Planning Commissioner
Shilo Hatch, Planning Commissioner

Mike Hyde, Community Development Administrator
Mike Gottfredson, Assistant Community Development Administrator

Visitors:

Tracy Killian	Troy Cooper, USU Extension
Dave Evans	Tom and Billie Henderson
Chet Hansen	Conley Moon
Charlie Hansen	Keith Hicken
Zachary Hansen	Nathan Hall, Utah DEQ
Shane Rowley, Farm Bureau	

The Commission welcomed new Planning Commissioner, Shilo Hatch, representing the Fruitland area, to her first Commission meeting. A new representative of the rural Roosevelt area, to replace Brad Wells, has yet to be appointed by the County Commissioners.

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.

Election of a Chair and Vice-Chair for 2022

Commissioner Sweat moved that Commissioner Sorensen be elected as Chairman for 2022. The motion was seconded by Commissioner Giles and passed unanimously.

Commissioner Drake moved that Commissioner Sweat be elected as Vice-Chairman for 2022. The motion was seconded by Commissioner Giles and passed unanimously.

Public Hearings:

Continuation of the Public Hearing, recessed from the December 1, 2021 meeting, regarding a recommendation to the County Commissioners associated with Ordinance #22-392; 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, since the December meeting, a working group consisting of Dave Evans (Farm Bureau), Chet Hansen (Dairy Operator), Conley Moon (Cattleman), Troy Cooper (USU Extension), Darrell Gillman (NRCS), Tracy Killian (Feed Lot Operator), Tom Henderson (Cattleman) and Malarik Harrison (Dairy Operator) met with county staff to amend the draft Large CAFO overlay zone map and ordinance in a manner that could be supported by the agriculture industry.

Mr. Hyde noted that the recommendation of the working group was to expand the Large CAFO area to include all of the Pleasant Valley area to the Uintah County line and to establish an overlay zone in the Arcadia area, around 4-C Farms.

The ordinance text has been amended to remove the requirement for anaerobic digesters as those would be considered as part of the Comprehensive Nutrient Management Plan. It has been indicated that anaerobic digesters are not effective in colder climates like the Uintah Basin.

The text has been amended to clarify that a change in ownership or operator of a Large CAFO would not affect the land use status of the facility, provided that it continues to be operated in accordance with state and federal requirements.

The text has been amended to clarify that an existing Large CAFO located outside of the overlay zone boundary would be allowed to expand in terms of acreage covered and in the number of animals. There was discussion about not allowing the species of animals to change during an expansion; but the working group felt that producers should be allowed to change species, if necessary, due to changing market conditions.

The text has been amended to clarify that an existing Animal Feeding Operation could expand into Large CAFO status, even though located outside of the overlay zone, but within an A-5 or A-10 agricultural zone, provided that a Comprehensive Nutrient Management Plan has been approved and all other state and federal regulations have been met.

Mr. Hyde asked if there were any questions of the staff report. As there were no questions of the staff, Chairman Sorensen called for those wishing to speak to the revised ordinance.

Charlie Hansen spoke and called on the County to not impose unnecessary restrictions on the agriculture industry. He has an approved nutrient management plan and agreed that anaerobic digesters do not work well in Utah.

Tracy Killian spoke and recommended that the County restrict housing developments from encroaching near agricultural uses to help reduce conflicts. The USDA adequately regulates Large CAFOs.

Mr. Hyde noted that "Right to Farm" laws help protect agricultural uses from encroaching residential development. Also, agricultural protection zones can be formed to further protect agricultural operations.

Shane Rowley expressed support for the proposed ordinance based on the recommendations of the working group.

Dave Evans noted that the agricultural industry is fairly stable and helps the County withstand the ups and downs of the energy industry. He encouraged the County to not

impose restrictions on agriculture that would be detrimental to the operators and their ability to produce the food that we need.

Tom Henderson spoke and agreed with the proposed ordinance. He felt that the approval of a nutrient management plan should address most concerns.

Keith Hicken spoke and inquired if establishment of the Large CAFO overlay zone would affect the ability to locate businesses, like the "Speedy Goat" store, in the Pleasant Valley area. Mr. Hyde verified that it would not.

Tracy Killian and Dave Evans re-stated their desire that the Planning Commission recommend the proposed ordinance to the County Commissioners.

After the conclusion of testimony, Chairman Sorensen closed the public hearing.

There was discussion by the Commissioners whether to amend the proposed ordinance to limit the expansion of existing animal feeding operations to require such expansion to occur either adjacent to or within a certain distance of the existing operation. Commissioner Drake made a motion and amended it several times to require such expansion to be adjacent, within ¼ mile, ½ mile or within one mile of an existing operation. The motion and its amendments were not seconded.

Commissioner Giles made a motion to recommend to the County Commissioners the approval of Ordinance #22-392 as recommended by staff and the working group. Commissioner Sweat seconded the motion and it passed 4-1, with Commissioner Drake opposed. Mr. Hyde noted that the County Commission is scheduled to open their public hearing on the proposal on January 10, 2022 at 1:30 PM.

New Business: None

Minutes: Approval of December 1, 2021 minutes:

Commissioner Sweat moved to approve the minutes of the December 1, 2021 meeting. Commissioner Drake seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items: None

Adjournment:

After a motion to adjourn from Commissioner Drake and a second from Commissioner Giles, the meeting adjourned at 6:30 p.m.