

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 1, 2012**

The Millard County Planning Commission met on Wednesday August 1, 2012 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Greg Greathouse Board Member
Joyce Barney..... Board Member
Molly Stevens Board Member
David Sturlin..... Board Member
Gordon Chatland Board Member
Gary Walker Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl Dekker County Planner
Amber Nickle Secretary
Daron Smith County Commissioner
Bart Whatcott..... County Commissioner
Hugh Roberts LiquaDry
Jill Brown Abraham
George Martinez..... Neighbor to LiquaDry
Linda Gillmor Economic Development
Ros Rocco Vrba Energy of Utah

1. Welcome, Call to Order

Chairman Smith called the meeting to order at 7:01 p.m. He welcomed all present.

2. APPROVAL OF MINUTES – June 6, 2012

The proposed minutes of the regular Planning Commission meeting held June 6, 2012 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner David Sturlin made a MOTION to approve the minutes, as corrected. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW and DISCUSSION of ADF HOLDING, LC'S on Amended Conditional Use Permit #Z-2005-006 Requiring a Restoration Bond – Anthony Fuller (tabled from May 2, 2012 pending counsel from Millard County Attorney Richard Waddingham)

Mr. Fuller was not present. Sheryl Dekker stated that she thinks Mr. Fuller was sent an agenda.

Chairman Smith asked the county attorney, Richard Waddingham if he had done research on the issue. Mr. Waddingham stated that unless the gravel pit is involved in mining, a restoration bond is not required. He suggested that the ordinance be changed to require a bond in the future.

Joyce Barney asked why the state does not have any jurisdiction over gravel pits. Mr. Waddingham stated that they do when it is on a larger scale.

Gordon Chatland said that Mr. Fuller is comparing his operation with Carling and Company and has a problem with the fact that he is required to bond and Carling and Company is not.

Chairman Smith asked if this is a Planning Commission issue. Chairman Smith stated that it needs to be put in the ordinance what people will be required to do when operating a gravel pit.

Gary Walker made a MOTION to uphold the condition requiring a bond along with all other past decisions in the ADF Holding's case, and that no further action will be taken on this issue. Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE APPROVAL of Conditional Use Application # Z-2012-010 for Placement of Two (2) Met Towers for Property Located 12 miles west of Delta on SR 6 & 50 (at Sec 33, T18S, R11W, and Sec 21, T17S, R11W). Long Ridge Wind, LLP (Energy of Utah) – Applicant.

Rocco Vrba stated that his company would like to install two towers on top of the ridge about 3.5 miles apart near the University of Utah warehouse. The threshold is 200 feet. Both towers will be located on BLM land.

Joyce Barney asked how soon they would build. Mr. Vrba stated that he is waiting for approval from BLM and should be within the next few months.

He stated that after installation, the towers would be checked about once a month.

David Sturlin made a MOTION to approve the application. Basis for Issuance of a Conditional Use Permit is:

- A. The proposed use is a Conditional Use within the RF20 Zoning District under the existing Land Use Code. The proposed use is necessary or desirable to provide a service or facility which contributes to the general

well-being of the county by possibly providing renewable energy in the event of the establishment of a major wind farm which would provide jobs and increased taxes.

B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.

C. The proposed use will comply with the regulations and conditions specified in this chapter for such use.

D. The proposed use conforms to the goals, policies and governing principles of the county General Plan.

E. That, for uses designated as accessory uses, the use will support and further the principal use of the property. (Ord. 08-04-01B, 4-1-2008)

Commissioner Sturlin's motion included the following reasonable conditions:

a) The proposed use will 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.

b) The property on which the Conditional Use proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

c) No new roads will be created for met tower installations. Off road travel will be completed by drive and crush using the same route in and out of the met tower site.

d) Because of the temporary nature of met towers, no building permit is required.

e) The permit should expire at the end of three (3) years with the stipulation that the met towers be removed and the land restored to its previous condition.

Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

- 5. REVIEW and POSSIBLE APPROVAL** of Conditional Use Application # Z-2012-011 for Manufacturing of Agricultural Products for Distribution to Markets. Property is Located at 3000 North 7500 West, Abraham. LiquaDry – Applicant.

Greg Greathouse recused himself from input on the application as he has represented LiquaDry on legal issues.

Molly Stevens asked if the company is expanding. Hugh Roberts stated that there are plans to expand but they do not have permits and are not moving forward with expansion at this time.

Gary Walker asked if the company is regulated by other agencies. Mr. Roberts stated that the company is regulated by OSHA and the State of Utah.

Mr. Roberts gave a brief history of LiquaDry's manufacturing processes.

Jill Brown, a neighbor to the east of LiquaDry stated that her only complaint with the company is the increased traffic. She said that it has gotten better. She would just like the traffic laws to be enforced out in that area. She said she has not noticed an increase in mosquitos due to the standing water.

Joyce Barney asked if the expansion would add jobs. Mr. Roberts stated that currently there are about 70 employees at LiquaDry. He does not know how many more employees will be hired on when they expand.

Joyce Barney asked if they own adequate water for their operations. Mr. Roberts stated they did.

Gary Walker made a MOTION to approve the application for a conditional use permit to include expansion and improvements to the existing plant. Basis for Issuance of a Conditional Use Permit:

A. The proposed use is a Conditional Use within the AI Zoning District under the existing Land Use Code. The proposed use is necessary or desirable to provide a service or facility which contributes to the general well-being of the county by expanding the use of Millard County farm products produced by the applicant as well as other agricultural producers. The locally owned and operated company currently employs 70 people.

B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.

C. The proposed use will comply with the regulations and conditions specified in this chapter for such use.

D. The proposed use conforms to the goals, policies and governing principles of the county General Plan.

E. That, for uses designated as accessory uses, the use will support and further the principal use of the property. (Ord. 08-04-01B, 4-1-2008)

Commissioner Walker's motion included the following reasonable conditions:

- a) The proposed use will 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.
- b) The property on which the Conditional Use proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.
- c) Implement safety programs as required by the OSHA and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular to manufacturing and agricultural operations.
- d) Submit to Millard County an incident report on all accidents which occur onsite, and which require major medical assistance. This report should be a detailed report and include the cause of accident and circumstances surrounding the accident.
- e) Maintain adequate liability insurance to cover any and all risks that may be incurred during project operation and provide Millard County with proof of such insurance.
- f) Maintain workers compensation insurance on all employees as required by state law.
- g) Be responsible for its own site security.
- h) Implement good dust control practices and procedures to control the generation and spreading of dust from both the manufacturing operation as well as any dust problems arising from transportation to and from the site along dirt and gravel roads in Millard County.
- i) Maintain a clean and healthy environment for staff and neighbors.
- ii)

Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

6. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2011-006 for proposed amendments to the Millard County Development Code

(a Land Use Ordinance). Planning Commission Public Hearing held June 6, 2012.

Gordon Chatland made a MOTION to table the item until Bruce Parker could be present at the meeting. Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

7. OTHER BUSINESS

8. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-4&5

9. ADJOURNMENT

Greg Greathouse made a MOTION to adjourn. Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 7:57pm.

Robin Smith, Chairman
Millard County Planning Commission