

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
October 1, 2014**

The Millard County Planning Commission met on Wednesday October 1, 2014 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Joyce Barney .....Planning Commissioner  
Gary Walker .....Planning Commissioner  
Brent Blake .....Planning Commissioner  
Molly Stevens .....Planning Commissioner  
David Sturlin ..... Planning Commission Vice Chairman

**EXCUSED:** Gordon Chatland ..... Planning Commission Chairman  
Greg Greathouse .....Planning Commissioner

**ALSO PRESENT:**

Sheryl Dekker ..... Millard County Planner  
Richard Waddingham ..... Millard County Attorney  
Angi Meinhardt..... Secretary  
Alan Roper.....Millard County Commissioner  
Bruce Parker.....Planning & Development Services, LLC  
Donald Hall ..... Utah Department of Environmental Quality  
Brian Pugh ..... Magnum Environmental Manager  
Sam C. Quigley.....Magnum General Manager  
John Chartier ..... Utah Department of Environmental Quality  
Linda Gillmor.....Millard County Economic Development  
Jim Withers.....Millard County Commissioner  
M. Peter Jacobson.....Land Owner  
LaRae Peterson .....Land Owner  
Scott Barney ..... Millard County Resident

**1. Welcome, Call to Order**

Planning Commission Vice Chairman David Sturlin called the meeting to order at 7:03 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – September 3, 2104**

The proposed minutes of the regular Planning Commission meeting held September 3, 2014 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for September 3, 2014 as corrected. Planning

Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

- 3. PUBLIC HEARING on MAP ZONE CHANGE APPLICATION # Z-2014-030 from AG20 (Agriculture 20 acre) and RF20 (Range & Forest 20 acre) (multiple zones) to HI (Heavy Industrial)** for property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta Grid. Magnum Holdings, LLC- Applicant. Utah State School and Institutional Trust Land Administration (SITLA) – Owner 1,960.35 acres.

Planning Commissioner Joyce Barney made a MOTION to open a public hearing on Map Zone Change Application #Z-2014-030 from AG20 and RF20 to HI. Planning Commissioner Gary Walker SECOND the motion. Voting was unanimous in the affirmative. The public hearing for the zone change was opened at 7:09 pm.

Planning Commission Vice Chairman David Sturlin asked if there is some one here from magnum to answer questions for the hearing. Samuel Quigley approached the board. Mr. Quigley then presented a twelve minute slide show about the updates for this project. Along with the slide show, Mr. Quigley gave some examples about their plans for this project. He then asked if there were any questions. Planning Commissioner Brent Blake asked Mr. Quigley how they transport the propane for this project. Mr. Quigley stated that the propane along with the crude oil all comes in bulk by rail on tanker cars.

Mr. Quigley stated that they have been working with the State Institutional Trust Lands on this project and Mr. Quigley is considering them as partners. They are doing this project on state land and that helps the state by putting money back in to the school funds. He then stated that the state is being extremely supportive of this project and they have been very good partners. Mr. Quigley stated that this project will be adding value to the state and Millard County.

Brian Pugh presented the second half of the slide show. He went over the rezoning request. He stated that Magnum has already constructed and placed the Magnum NGLs Storage Facility into operations. Rezoning these additional surrounding lands will facilitate Magnum's development of future Western Energy Hub facilities. Future projects will also include the construction of Magnum CAES to store and dispatch compressed air as well as Magnum Power and Magnum Salt.

Planning Commission Vice Chairman David Sturlin asked if the salt dome is entirely under Magnum controlled land. Brian Pugh stated that it is NOT entirely under Magnums land. Mr. Quigley stated that the salt dome covers about 2 ½ miles in diameters. The caverns are created in the salt dome.

Planning Commissioner Joyce Barney asked if they would still have a need for the pond after they finish the salt domes. Mr. Quigley stated that once they stop using the pond the water will evaporate. He also stated that once it evaporates it will leave about 14 feet of salt which is currently worth about \$30 a ton and there would be about 2 million ton of salt left in the empty pond. So once the pond goes through the process of evaporating Magnum will start mining the salt. After the mining is complete they will fold in the liner and the berm will be put back in with whatever remains and essentially contoured to that and re seeded.

Brian Pugh then went over strategic assets for Millard County. He said it would add value to the county and the state. Planning Commissioner Brent Blake asked if Magnum has any formal agreement with Intermountain Power to supply natural gas from the natural gas caverns that Magnum will be creating. Mr. Quigley stated they have not done so yet, but they will work with IPP frequently. Mr. Quigley stated that IPP is very aware of what Magnum's intent is on this project.

Mr. Quigley stated that Intermountain Power Plant is extremely important to this county and the state. Magnum is only going to be supplying natural gas. Magnum would like to see all the advantages of this plant going to Millard County. They want to make sure that California Municipalities come to their plant as well as IPP for their power supply instead of different companies out of Millard County.

Pete Jacobson, representing the land of Chesley Black Corporation approached the Commission. He asked "Is there any kind of concern or danger to the local water?" Sam Quigley then stated that water was a very well covered concern that they have made sure that it has been monitored monthly and there was not any problems with the water. He then stated that if there is ever a problem they would be able to identify it very quickly. Mr. Quigley stated that Magnum has many precautions in place to monitor the water around the area.

Pete Jacobson then asked if the county road that went through the land was abandoned. Mr. Quigley stated that they did block access to protect the pond but it is not closed or abandoned. He then stated that the road is assessable to the land users. Mr. Quigley stated that the road has a fence for the public safety. Even though the pond itself is fenced in individually. There was some more discussion about the roads that went through the property.

Planning Commissioner Joyce Barney asked what the recourse would be if they ever found the water to be contaminated. Mr. Quigley stated that the recourse would be to mitigate it. Magnum takes many precautions to keep the water safe.

Planning Commissioner Gary Walker made a MOTION to close the public hearing. Planning Commissioner Brent Blake SECONDED the motion. The voting was unanimous in the affirmative. The Public hearing was closed at 7:45pm

4. **REVIEW and POSSIBLE RECOMMENDATION on MAP ZONE CHANGE APPLICATION # Z-2014-030 from AG20 (Agriculture 20 acre) and RF20 (Range & Forest 20 acre) (multiple zones) to HI (Heavy Industrial)** for property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta. Delta Grid. Magnum Holdings, LLC- Applicant. Utah State School and Institutional Trust Lana Administration (SITLA) – Owner 1,960.35 acres.

Planning Commissioner Molly Stevens asked “Were any of the land owners that where sent packets about this zone change concerned in any way?” Millard County Planner Sheryl Dekker stated that she has not heard from any other land owners. Planning Commissioner Gary Walker asked why they needed the zone change on the entire land. Mr. Quigley stated that they want a zone change on all the land that they are leasing. They don’t have any specific plans with the parcels but they would just like all the land that they are leasing or own to be zoned to Heavy Industrial.

Planning Commissioner Molly Stevens made a MOTION to make a favorable recommendation to the Board of Millard County Commissioners for the Map Zone change Application #Z-2014-030 from AG20 and RF20 to HI, Based on the following:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on the existing goals, objectives, and policies of the *General Plan*, and listing any revisions to the county’s Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

Planning Commissioner Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

5. **DON HALL - DIVISION OF WATER QUALITY - Discussion on assuring that Millard County’s Code can interface with State Law Regarding Animal Feeding Operations and Concentrated Animal Feeding Operations.**

Planning Commission Vice Chairman David Sturlin invited Don Hall from Utah Department of Environmental Quality to the podium and asked him to provide us with his information. Mr. Hall said he was asked to come to this meeting to compare the state law to the Millard County Code. He presented his packet to the board. Don Hall gave some definitions such as AFO (Animal Feeding Operation) and CAFO (Concentrated Animal Feeding Operation). Don Hall then explained the differences between Large, Medium and Small CAFOs. He then explained the areas that require a permit such as:

- Large animal feeding operations are CAFOs, regardless of whether they are permitted or not.
- Any Discharge to surface waters of the State from a CAFO requires a permit.
- Large CAFOs that discharge storm water from land application areas require:
  - A CAFO permit; or
  - Nutrient Manager Plan (NMP) Planning according to 40 CR 122.23(e) and 40 CFR 122.42(e); or
  - A Storm Water Permit.

Planning Commissioner Joyce Barney asked how you define “discharge.” Don Hall replied by saying that a discharge from Medium or Small CAFOs must be through direct animal contact or through a man-made device such as a pipe, ditch, culvert, etc., to require a permit.

Millard County Planner Sheryl Dekker asked what if the dairy farmer put his discharge through his sprinkling system on his fields. Don Hall stated that it would be appropriate to use the discharge via a sprinkling system.

Don Hall gave some examples of the differences between State and County AFO/CAFO regulations. He then gave some DWQ Suggestions:

- (10-18-24.G.3.) DDWQ suggests that any AFO that requires a Comprehensive Nutrient Management Plan (CNMP) or a Nutrient Management Plan (NMP), that the CNMP or NMP requires the facility to comply with applicable Natural Resources Conservation Services (NRCS) Practice 590 for Nutrient Management. The County may want to consider requiring other NRCS practices, if desired.

Don Hall then stated that the main point is that the Millard County code does not interfere with state code. He then stated that the Millard County Code is a very compliant code.

Planning Commissioner Gary Walker asked who enforces these codes. Don Hall stated that even if they are County Codes the state can still be the ones to issue a citation for a violation. The County can also regulate them on their own. Don Hall stated that the county code is more restrictive than the state code.

Planning Consultant Bruce Parker asked about the issue with discharge, “how do we know if it’s actually going to have a discharge? Should we be calling you to come and check things out?” Don Hall gave some good pointers of how we can regulate these problems.

Don Hall stated that the State of Utah will go out on the small AFOs on any complaint, but they go check the large CAFO’s on a regular basis.

**6. REPRESENTATIVE from the DEPARTMENT OF ENVIRONMENTAL QUALITY to Discuss Shared Wells and Other Water Related Matters.**

**CONTINUE DISCUSSION** –Title 11 Chapter 6 Non-Plat Subdivision Applications – specifically shared wells.

John L. Chartier from the State of Utah Environmental Quality Division approached the podium to discuss questions that were presented to him through email. The County is having problems with the 15 and below nonpublic water systems. John Chartier stated that if there is a shared well they are regulated with the health department and they have a rule to deal with these nonpublic water systems. If the water system has less than 15 connections they are not regulated by the state. John Chartier suggested that he come back to the Planning Commission to discuss some proposed rules that he would like to share with 5 other counties in the six county AOG (Association of Governments).

Millard County Planner Sheryl Dekker asked if the county can deny a shared well. John Chartier stated that the state and the health department will not stand in the way of the counties decision to deny a well. He then stated that the nonpublic rule would help with the “no not ever” rule of shared wells.

Planning Commissioner Gary Walker stated that if there is more than one person on a shared well meter and the bill does not get paid, then it would be a health department concern. He also asked how any other documents can have an effect on this matter. John Chartier stated we should start soon on changing the enforcements on the shared wells. He then stated that there is nothing that the county can do on the previous shared wells. John Chartier stated that shared wells are good for financial reasons, and water quality. John Chartier is looking for better ways to have shared wells managed instead of the county banning them all together. John Chartier stated that nonpublic water rule would take probably all winter to get support before he can go to the Board of Health.

Planning Commissioner Brent Blake asked if there was something in the agreement that addresses the responsibility to break down costs of the shared wells among the individuals along with the responsibilities. John Chartier stated that the shared well agreement is for structure and to move the owners in the right direction. Millard County Attorney Richard Waddingham asked if there is a fee that the owners of the shared wells could pay yearly. John Chartier stated

typically people like to pay for their water meters monthly but that is something we could look in to.

John Chartier stated that these agreement forms are just some examples. He also stated that there is a web site with lots of ordinances that the board could browse and maybe put together something like those examples.

John Chartier stated that a nonpublic water rule is something that we need in rural central Utah including Millard County. He also thinks that he can come up with something to help with the shared wells.

John Chartier stated that wells do not have to be of a certain quality. The state does not regulate the quality of the water from the wells. John Chartier then stated that he would like to see a public rule and open it back up to shared wells later. Planning Commissioner Vice Chairman David Sturlin thanked John Chartier for coming to our meeting and answering some of the Commissions questions.

John Chartier stated that he will go back and talk to Mr. Duncan on what else we could do about the shared wells and other water related matters. Planning Commissioner Joyce Barney asked if there is any county that does not allow shared wells. John Chartier stated that Sevier County did implement the requirements of individual wells.

## **7. PLANNING AND ZONING ADMINISTRATOR'S REPORT**

Nothing to Report.

## **8. OTHER BUSINESS**

Planning Consultant Bruce Parker asked if he could have a minute to discuss Title 10, Chapter 23 Enforcements. There was some discussion on the changes that have been suggested to the Commission in previous meetings. Bruce Parker stated that we could have a public hearing on these enforcement changes. He then asked if the Commission wanted to make any changes to the enforcements that he has presented and discussed with them tonight. Millard County Planner Sheryl Dekker requested that we have a public hearing on November 5th.

Planning Consultant Bruce Parker asked the Commission if they needed to make some changes to the AFO, and CAFO ordinance from discussion that we had earlier in the meeting. Planning Commissioner Molly Stevens stated that we need to go under 700 animal units to be more restrictive. Planning Commissioner Gary Walker asked if we went to animal numbers rather than animal units if it would be easier. Bruce Parker stated that he could make some changes and come back with a draft of what the board would like to change. Planning Commissioner Brent Blake stated that the enforcement should go by animal numbers and not animal units.

There was some more discussion of what could be changed in the AFO and CAFO ordinances. Bruce Parker stated that he will start working on these Enforcements and have a public meeting on these Enforcements in the next few months.

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

**10. ADJOURNMENT**

Planning Commissioner Brent Blake made a MOTION to adjourn. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:51 pm.

---

Dated this 1<sup>st</sup> day of October 2014  
Gordon Chatland, Chairman  
Millard County Planning Commission