

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 1, 2017**

The Millard County Planning Commission met on Wednesday March 1st, 2017 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Molly Stevens Planning Commissioner
Gary Walker Planning Commission Vice Chairman
Tom Nielson Planning Commissioner
Greg Greathouse Planning Commissioner
Jodi Robison Planning Commissioner
Joyce Barney Planning Commissioner

EXCUSED:

ALSO PRESENT:

Dean Draper Millard County Commissioner
Richard Waddingham Deputy County Attorney
Angi Meinhardt Secretary
John Chartier Department Of Environmental Quality
Nathan Selin Central Utah Public Health Department
Tiffany James Magnum
Steve Suelgrove Magnum
Kristen Gamble Applicant
Dana Jordan Millard County Chronicle Progress
Scott Barney Millard County Economic Development
Shellie Dutson Millard County Chronicle Progress
Joshua Tolley Millard County Resident
Lilly Tolly Millard County Resident
Peter Vandermeide Millard County Resident
Steve Styler Agent for Murphy Brown/Smithfield
Todd Macfarlane Millard County Resident

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

Planning Commission Chairman David Sturlin called the meeting to order at 6:33 pm. He welcomed all present.

2. **REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2017-001 for a Single Lot After the Fact Non Plat Subdivision for property located at approximately ½ mile west of Kanosh, Utah, on Sand Hill Road for the purpose of dividing Parcel # 8154. It is proposed that the 26.80 acre parcel be divided creating two (2) parcels – one parcel having 9.00 acres and the other parcel having the remaining 17.80 acres. Petitioners – Mel & Kristen Gamble. Owner – William R & Karen C Crook.

Applicant Kristen Gamble approached the Commission. She stated her and her husband are wanting to build a home on their farm property. Commissioner Greg Greathouse asked if they have started the building process. Kristen Gamble verified that they have not started the building process yet.

Commissioner David Sturlin asked if there is only one lot that has frontage. Kristen Gamble stated that both of the lots have frontage. She stated that when the plat was originally created it did not show the frontage. Later on the county took over the road. When they had the parcels surveyed they reduced the acreage so it would include the Millard County road.

Commissioner Joyce Barney asked how they will receive water for the dwelling. Kristen Gamble stated they will receive water from an established Kanosh Town water meter. She stated that the water line has been extended to the land and they will connect it to the home during construction.

Commissioner Joyce Barney asked Kristen Gamble for verification that the application fee has been paid. Kristen Gamble stated she did pay the Non Plat subdivision fee.

Commissioner Jodi Robison made a MOTION to make a favorable recommendation to the BOCC for application Z-2017-001 for an After The Fact Non Plat Subdivision. Commissioner Tom Neilson SECONDED the motion. The voting was unanimous in the affirmative.

3. **PUBLIC HEARING for a ZONE CHANGE** – Application # Z-2017-002 on a zone change from RF/AG20 (Range & Forest/AG 20) to HI (Heavy Industrial) for property located approximately Southeast of Sawtooth NGLs, & IPP, near the intersection of Jones Road and Brush Wellman Road, 10 miles north of Delta, UT, for the purpose of supporting the development of the Western Energy Hub by Magnum Holdings, LLC and its affiliates. Petitioner – Magnum Holdings, LLC. Owner – Magnum Holdings, LLC and School Trust Lands (SITLA) 1,362.692 Acres.

Commissioner Gary Walker made a MOTION to open the public hearing for Application #Z-2017-002 on a zone change from RF/AG20 to HI. Commissioner Joyce Barney SECONDED the motion. Public hearing opened at 6:42 pm.

Tiffany James for Magnum Holdings, LLC approached the Commission. She stated that Magnum Holdings is requesting this zone change because of some recent acquisitions adjacent to the development sight. She showed the Commission a power point of Magnum's master development plan called the Western Energy Hub. She gave a brief description of the company. They plan to have multiple facilities to maximize their land base and harvest the salt.

There was discussion on the proposed area that they are requesting to be rezoned to HI. The proposed area for rezoning is 1,362.692 acres. Commissioner Greg Greathouse asked how much of the proposed land is SITLA. Tiffany James stated that approximately 320 acres is SITLA.

There was some discussion on some of the surrounding parcels. Commissioner Gary Walker asked if there is any proposed activity on surrounding properties that would interfere with this rezoning. Tiffany James stated that most of the activity in the proposed property will be brine evaporation. There may be some generation facilities to the west of Jones Road. Tiffany James stated that there is nothing adjacent to the parcels and feels that there will be no conflict.

Commissioner Greg Greathouse asked if Magnum will be putting lining in the brine ponds. Tiffany James confirmed that they will be lining the ponds.

Tiffany James had a brief discussion of the water and existing wells on the property that included the water table. Commissioner Joyce Barney asked if IPP and Magnum's water come out of the same aquifer. Tiffany James stated they come out of different aquifers. She stated that Magnum comes from the deepest level.

Tiffany James stated that Magnum has many goals that would benefit the county economically. She stated that Magnum is trying to utilize the site as much as possible. They have added many jobs and benefits for operations throughout the phases of this development. She stated this plan will not only be a great economic boost during construction but it will have long term positive impact economically.

Tiffany James stated development is a significant asset for Millard County. There is multiple business platforms with a potential of \$3.5 billion in future development. She stated this is a really positive step for the county.

Commissioner Joyce Barney asked if Magnum has the exclusive right for the proposed land included in the application. Tiffany James stated that the proposed rezoning area is Magnum's private land but they are always looking into

investments or anything to make it successful development. Tiffany James stated that Magnum will own 21,000 acres of the land and SITLA land is about 4,000 acres.

Commissioner Joyce Barney asked Millard County Commissioner Dean Draper if the zone is changed to HI, will this bring more value to the land as far as property taxes. Millard County Commissioner Dean Draper stated that it would come out of green belt and it would not be an immediate change but it would change the structure and the value. There was discussion and verification of the 5 years roll back for a green belt area.

Millard County Commissioner Dean Draper stated that he did get one phone call from a surrounding land owner who lives in California. He stated they are not opposed to the zone change, they are just questioning what is taking place, along with what effect it will have on the development of the county.

Commissioner Gary Walker made a MOTION to close the public hearing. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was closed at 7:08 pm.

- 4. REVIEW and POSSIBLE RECOMMENDATION** on Application # Z-2017-002 for a zone change from RF/AG20 (Range & Forest/AG 20) to HI (Heavy Industrial) for property located approximately Southeast of Sawtooth NGLs, & IPP, near the intersection of Jones Road and Brush Wellman Road, 10 miles north of Delta, UT, for the purpose of supporting the development of the Western Energy Hub by Magnum Holdings, LLC and its affiliates. Petitioner – Magnum Holdings, LLC. Owner – Magnum Holdings, LLC and School Trust Lands (SITLA) 1,362.692 Acres.

Commissioner David Sturlin gave a brief description of the application and read the proposal.

Commissioner Molly Stevens made a MOTION to make a favorable recommendation to the BOCC for a zone change for application Z-2017-002 with the recommendations listed on the staff report.

B. In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the Board of County Commissioners (BOCC) in deciding a land use ordinance amendment application shall consider the following factors, among others:

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.

Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

- 5. PUBLIC HEARING on NON-PUBLIC WATER SYSTEM RULE** – For the purpose of receiving public comment on a Non-Public Water System Rule as proposed by the Central Utah Public Health Department. *Non-public Water System: Any potable water system that is not subject to regulation by the Utah Drinking Water Board (a non-public water system would serve less than 25 people, or typically fewer than 8 connections).*

Commissioner Joyce Barney made a MOTION to open the public hearing on non-public water system rule. Commissioner Gary Walker SECONDED the motion. Voting was unanimous in the affirmative. The public hearing was open at 7:14 pm.

Nathan Selin with Central Utah Public Health approached the Commission. His office is out of Richfield but covers six counties. They have been asked to speak to the counties and receive feedback from the public before they proceed with the proposed rules. He stated this would be something specific to our district in the rural areas of the state. He stated this is only a draft and the board has not voted on this rule yet. He stated that 8 of the 13 health departments within the state have similar rules.

Nathan Selin stated that the testing would identify the quality of nitrate, arsenic, sulfate, total dissolved solids, turbidity, and bacteriologic. He stated that at this point it would be the home owner's responsibility to pay for these tests. Commissioner Greg Greathouse stated that it should be up to Central Utah to pay for the test if they are going to require it. If the land owner asks for a test then he believes that is when it should be paid for by the land owner.

Commissioner Jodi Robison asked if this is a public health issue, how many incidents on an elevated level are concerning to a home owner. Nathan Selin stated some areas in the six counties are more prone to contaminated water, but

it's typically seen in a public water system. Nathan Selin stated that these tests are more to educate the public about their water quality.

Peter VanderMeide a resident near Cove Fort, asked what the County is going to do if people do not meet the requirements anymore. He is concerned of the corporation near him that is injecting water back into the water table that could be contaminated. He stated that he has a private water system with 7 connections. What can he do as a land owner if the corporation contaminates his well? Nathan Selin stated there are currently no requirements for a certain standard or level and this rule does not put a standard level on it either. This would be an issue between the company and private well owner.

There was discussion on buffer zones around the source from concentrated pollution sources, and sharing agreements for shared wells.

There was discussion on the proposed requirements for 4-7 connections along with the requirements that the local fire departments may request as well. Nathan Selin stated that the fire department would be determining the flow that would be required for each system.

Nathan Selin stated that this is not stating you have to pass the test, it is just for information and results of the test. Nathan Selin stated that it is to educate the owner of the quality of the water. There was discussion that this process would not hold up the building process.

Commissioner Gary Walker stated it will be hard to require this test if there is no intent that the land owner would have to pass the test.

Steve Styler approached the Commission on the commercial standpoint. His concern is if there is development for commercial buildings that has very few employees why would they still have to meet the same requirement for a 4-7 connection. He gave an example of a 100 cow dairy that has very few employees but has a facility with a small kitchen or drinking fountain. There was more discussion on the water requirements for small businesses.

Pete VanderMeide stated he has a commercial piece of property for sale with a private water system. He is not sure what steps he would have to take as far as fire protection and if the state would allow any new wells to be drilled. He is not sure if his property is even marketable as he already has 7 connections. Commissioner Greg Greathouse stated that it is marketable but there would have to be water rights moved to the land and/or drill another well.

Todd Macfarlane approached the Commission. He liked Steve Styler's comments of additional layer of regulation. He does not see the connection with Central Utah Public Health Department and the Planning Commission on this issue.

Todd Macfarlane stated that he has had his private wells tested because he does care about his water quality, but it should be his own choice, not mandatory, as it is not a public health issue.

Todd Macfarlane discussed the issue of shared wells. He does not think that the Planning Commission should be concerned about shared wells. There are branches of government designed to take care of these disputes. He thinks this is just one more rule to micro manage the land owners.

Joshua Tolley approached the Commission. He read part of the draft proposed rules for non-public water systems. He stated there is no existing rule at this time and does not see any reason for the proposed rule. He agrees that the Health Department should be the one responsible for the financial part of the test if he gets to ignore the results. He does agree with Mr. Macfarlane about the disputes over shared wells and it is not for the Health Department to manage these shared wells. His biggest concern in the draft rule is the right to appeal process.

Commissioner David Sturlin asked Attorney Richard Waddingham if the audio from this meeting would be available to the representatives of Central Utah Public Health and The Department of Environmental Quality as there was a lot of discussion. Attorney Richard Waddingham stated this audio would be available.

Commissioner Gary Walker asked if this was a proposal that the Planning and Zoning Commission could approve or deny. Millard County Commissioner Dean Draper stated to let him add a few words then we can come back to this question.

Commissioner David Sturlin then asked Nathan Selin and John Chartier if their contact information would be available to send written comments. John Chartier stated they will have their information available.

Attorney Richard Waddingham stated that he heard that the county does not have a choice on this matter and it would be up to the Six County Board to make the decision. He asked whether County participation was mandatory. Nathan Selin stated he will talk to the attorneys to see how they are going to follow up on this.

Commissioner Jodi Robison asked what the Health Department will do with the information that they received tonight. Nathan Selin stated that they will take this back to the Board and it is the Board's discretion at that point. He stated if there is additional feedback they will need to go to the BOCC. Commissioner Jodi Robison asked if the Six County Board will go off of our minutes or a general

perception. Nathen Selin stated that most of the counties have provided the recordings of the meetings so they can share the comments that have been made at each meeting. The Commission discussed if they should make a favorable or unfavorable recommendation.

Danna Jorden with Millard County Chronicle approached the Commission. She asked Nathen Selin and John Chartier if we are the last of the Six Counties to have a public hearing on this proposed rule and what the other comments have been from other counties. Nathan Selin stated that this was the second to last county to have a public hearing on the proposed rule. He is not sure on how many have made a specific motion on this proposed rule. He is aware that Sanpete County did make a favorable recommendation on this proposed rule.

Todd Macfarlane stated he would like to have the Public Health Department board hold their own public hearing for more opportunity to hear second or third hand comments. He understands that Nathan Selin and John Chartier are just giving us the proposed information and to educate us on these proposed rules and he appreciates that. Nathan Selin stated that he appreciates the comments and will take that back to the board.

Millard County Commissioner Dean Draper stated that the public and Planning Commission has had great comments and concerns on this proposed rule. He asked how the other Planning Commissions from other counties gave their recommendations. Nathen Selin stated that most of the recommendations were not done in the same meeting as the public hearing. He also stated that Sanpete County was the only county that gave an official motion for the recommendation. John Chartier also stated that Wayne County did support this proposed rule along with Sanpete County.

Commissioner Dean Draper stated that he attended a Public Health Department meeting for Commissioner Jim Withers. He stated that this subject was brought up in that meeting. He stated that it was not warmly received by the board at that time. He was misinformed that the decision was already made as unfavorable. It is Commissioner Dean Draper's understanding that this process was dumped on Nathan Selin and John Chartier. There was so many things wrong with this proposed rule that he will use every influence that he can to show that this is not a public health issue.

Joshua Tolley stated that he would like to echo the recommendation. He asked how he would find out if the Health Department is having a public hearing. Nathan Selin stated that it would be posted in the local newspapers and posted online.

Commissioner Gary Walker made a MOTION to close the public hearing for a non-public water system rule. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was closed.

6. CONSIDERATION AND POSSIBLE RECOMMENDATION of Amendment of Sunset View Estates Subdivision, Plat B – Joyce Barney for SDSC Enterprises, LLC. Application # Z-2016-030.

Joyce Barney provided the Commission with an amended plat map to review. She stated they had to amend the subdivision. She stated that Lot 7B will now be owned by the county as a parcel.

Commissioner Gary Walker made a MOTION to make a favorable recommendation to the BOCC for application Z-2016-030 for an amendment of Sunset View Estates Subdivision Plat B. Commissioner Molly Stevens SECONDED the motion. Commissioner Joyce Barney abstained from voting. Voting was unanimous in the affirmative.

7. CONSIDERATION AND POSSIBLE APPROVAL of Plat I, for Sunset View Estates Subdivision – Joyce Barney for SDSC Enterprises, LLC Application # Z-2017-003

Joyce Barney provided a map for the Commission to review. It is extending 2 lots to be part of Sunset View Estates.

Commissioner Gary Walker made a MOTION to make a favorable recommendation to the BOCC for application Z-2017-003 for an amendment of Sunset View Estates Plat I. Commissioner Molly Stevens SECONDED the motion. Commissioner Joyce Barney abstained from voting. Voting was unanimous in the affirmative.

8. PUBLIC INPUT

9. APPROVAL OF MINUTES – January 4, 2017

The proposed minutes of the regular Commission meeting held on January 4th, 2017 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Tom Nielson made a MOTION to approve the minutes for January 4th, 2017 as corrected. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

10. PLANNING and ZONING ADMINISTRATOR'S REPORT

11. OTHER BUSINESS

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

13. ADJOURNMENT

Commissioner Gary Walker made a MOTION to adjourn. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative. The meeting was adjourned at 8:55 pm.

Dated this ____ day of _____ 2017
David Sturlin, Chairman
Millard County Planning Commission