

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
January 31rd,2018**

The Millard County Planning Commission met on Wednesday January 31st, 2018 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman
Molly Stevens Planning Commissioner
Greg Greathouse Planning Commissioner
Tom Nielson..... Planning Commissioner
Demar Iverson Planning Commissioner
Matthew Kesler Planning Commissioner

EXCUSED:

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Dean Draper Millard County Commissioner
Angi Meinhardt..... Secretary
Scott Barney MEDA
Dora West..... ACE
Linda Kersey County Resident
Andrea Bulloch County Resident
Pam Fisher County Resident
Brett Bunker County Resident
Jennifer Christensen Applicant
Jason Christensen Applicant
Matt Robinson..... J&J Swine
Brad Cluff..... County Resident
Gayle Cluff County Resident
Tiffany James Magnum Holdings, LLC
Aaron M James..... County Resident
Greg Campeau County Resident
Peggy Campeau County Resident
Scott Patton County Resident
Andrade Christensen Applicant
Larry L. Dutson County Resident
Tracy A. Thompsen Caveman Piping
Minor L. Thompson Caveman Piping
Kelby C Swallow County Resident
Jack McMichael County Resident
Ellen McMichael..... County Resident

Collen Halsey.....	County Resident
Kristen Remkes	County Resident
Irvin Nash.....	County Resident
Carla Nash.....	County Resident
Maria Nye	County Resident
John Nye.....	County Resident
Sam Jacobson	Chronicle Progress
Mike Nielson	County Resident
Tina Nielson.....	County Resident
Layne Ellison	County Resident
Shantry Ellison.....	County Resident
Garret Starley	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 6:31 pm. He welcomed all present.

2. ADMINISTRATIVE BUSINESS – Introduction of new Planning Commission members, election of Planning Commission Chairman and Vice Chairman.

Commissioner Greg Greathouse made a MOTION to appoint Commissioner David Sturlin as Planning Commission Chairman and Commissioner Joyce Barney as Vice Chairman. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

3. PUBLIC INPUT

4. REVIEW and POSSIBLE RECOMMENDATION on Application #Z-2017-029 for proposed Level 3 Concentrated Animal Feeding Operation (CAFO) C-2 Conditional Use Permit. Petitioners — J&J Swine, LLC & A-Team Equipment Services, LLC. Owner – SWALLOW AG LLC.

Commissioner David Sturlin read proposal. There was discussion that this parcel has already been rezoned. Commissioner David Sturlin went through the reasonable conditions.

There was discussion on how the applicants will be mitigating the smell. There was a few suggestions to have the applicants come back for a review every year to every 2 years.

Mortality of the pigs was discussed. Commissioner Greg Greathouse asked to strike the landfill as being used for mortality purposes.

Jon Nye Approached the Commission. He stated that they previously used the flesh pit for their dairy animals, but they have now been very successful with composting the animals. He then stated that the odor and manure would be regulated by the state. He suggested that the Commission give them some flexibility as it could take some time to see what will work for them to mitigate the smells. He stated they will have to constantly try new ways to mitigate the smells and it is an ongoing thing for dairies as well.

Commissioner Molly Stevens and Commissioner David Sturlin suggested to leave the landfill as part of the mortality management plan. There was discussion to have the landfill used in an emergency situation.

Commissioner Joyce Barney asked if the Commission could require water testing regularly to make sure the water is not contaminated. Applicants stated that is a state requirement to test twice a year.

Commissioner Tom Nielson made a MOTION to recommend application Z-2017-029 to the BOCC with the conditions as stated in the application, with the changes that have been made.

- 1) Present plan to be reviewed every 2 years.
- 2) Landfill will be used in an emergency.

Commissioner Demar Iverson and Matthew Kesler stated because they were involved in the meeting last month they would both like to abstain from voting. Commissioner Greg Greathouse and Commissioner Molly Stevens abstained from voting. Commissioner David Sturlin stated the motion failed as no quorum was possible.

Commissioner Greg Greathouse made a MOTION to table for one more month.

Attorney Steve Styler approached the Commission. He asked that the Commission send an unfavorable recommendation and have the BOCC make the decision.

Commissioner Greg Greathouse withdrew his motion.

Commissioner Greg Greathouse made a MOTION to forward application Z-2017-029 to the BOCC without recommendations if it is allowed. If it is not allowed it

will be tabled to next meeting. Commissioner Molly Stevens **SECONDED** the Motion. Voting was unanimous in the affirmative.

Planner Adam Richins will check with legal counsel to see how this will move forward.

5. PUBLIC HEARING for Application # Z-2017-031 on a Zoning Ordinance Amendment—Text Amendment, amending the Table of Use Definitions in Title 10, Chapter 25, Appendix A. Magnum Holdings, LLC—Applicant.

Commissioner Joyce Barney made a **MOTION** to open public hearing for application Z-2017-031. Commissioner Greg Greathouse **SECONDED** the motion. Public hearing opened at 7:14 pm.

Tiffany James with Magnum approached the Commission. She gave a presentation of Magnum Gas Storage CUP amendment, CAES CUP, the zone change application, and the ordinance amendment application. She stated that this requested ordinance amendment would support Magnums other proposed applications that have been submitted. These requests are for additional facilities and to support their operations.

Don West approached the Commission. He is supporting these applications, but he thinks it would be beneficial to hire a legal counsel to get advice about these changes. Tiffany James responded stated that Magnum would be willing to pay for the cost of legal counsel. She later stated that Magnum would be more than happy if the Commission is wanting to seek legal help with the changes, but Magnum is very confident that they have met all the requirements.

Gale Bunker approached the Commission. He has been working with Magnum since they have come to the county. He thinks what they are doing is great and they have been utilizing it well.

Rex Stanworth approached the Commission. He agrees that Magnum has been a great aspect to the county. He does think that we need to be extra careful on how we prepare for this. He has no problem with Magnum and thinks that they are also looking out for the county. He thinks it's worth a little bit more time if the county hires some legal help to go through this process.

The Planner would like to make a point that this public hearing is for the modification to the Table of Use Definitions in Title 10, Chapter 25, Appendix A. This is mostly to evaluate the land use and if it is compatible with that area. This proposal would allow solar facilities, pipelines and electric transmission systems as part of the definition. This public hearing is only for changing the definition.

Larry Dutson approached the Commission. He asked what kind of businesses the county wants to come to the area. He stated that Magnum is very regulated

with the stated. He State if the county does not have business like this come to our area we won't have any business. He stated that agricultural is great and a big part of this county, but we need all kinds of businesses with good-paying jobs and benefits.

Commissioner Greg Greathouse stated that he agrees that Magnum has a lot of potential for the county, but that does not mean that we be careless on the decisions. He stated the Commission does need to be careful but he does not see a problem.

Commissioner Greg Greathouse made a MOTION to close the public hearing. Commissioner Joyce Barney SECONED the motion. Voting was unanimous in the affirmative. Public Hearing was closed at 7:34 pm.

6. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2017-031 on a Zoning Ordinance Amendment—Text Amendment, amending the Table of Use Definitions in Title 10, Chapter 25, Appendix A. Magnum Holdings, LLC—Applicant.

Commissioner Joyce Barney asked about Purpose under the Submittal Requirements. She asked what the necessary auxiliary facilities are as they are not defined. She asked that the Commission not leave it so broad. Planner Adam Richins stated the table of uses is used to determine what areas in the county are compatible with like uses. Accessory items would be incorporated by reference and are approved in each zone.

There was more discussion and reading of the staff report for the text amendment.

Commissioner Greg Greathouse stated that not on this specific thing but as a whole package he does think we need to have outside review before we make a decision. Commissioner Molly Stevens asked if we could recommend this to the BOCC and have a recommendation to be reviewed by legal counsel.

Planner Adam Richins stated if we are going to have a recommendation of a third party review, the scope needs to be defined. Commissioner Greg Greathouse stated he is supportive of Magnum but not wanting the county getting hurt in this process. It shouldn't make a big difference on asking for outside parties to look at this language. Commissioner Demar Iverson stated with the complexity of this we should have some kind of outside source look at this for further input.

Adam Richins stated that the county attorney had the material to review these applications, but there was no comment from him. This would require another public hearing if it was sent to the BOCC.

Larry Dutson stated that he agrees with Commissioner Greg Greathouse on seeking review from a third party.

Commissioner Molly Stevens stated the BOCC can also ask for review from a third party even if we recommend this to them tonight. There was more discussion on having our attorney and a third party review this before our next meeting.

Commissioner Molly Stevens made a MOTION to recommend this to the BOCC with the recommendations listed, and add the condition to have a third party and legal counsel review the amendments before it gets approved by the BOCC. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous except for Commissioner Greg Greathouse who opposed. Motion passed.

7. PUBLIC HEARING for Application # Z-2017-032 for an amendment to existing C-2 Conditional Use Permit Large Scale Project # Z-2010-008. Magnum Solutions, LLC—Applicant.

Commissioner Tom Nielson made a MOTION to open public hearing on application Z-2017-032. Commissioner Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 8:13 pm.

Tiffany James approached the Commission. The construction of the brine pond has been completed, but they are taking it out of their footprint. None of the facilities or caverns have changed. The amendment would be for consistency with the updated site plan and with the updated Sawtooth CUP.

Scott Barney with the Millard County Economic Development agrees that we need to be more cautious but SITLA does review everything that Magnum does and this is in Magnums best interest to do things in our best interest.

Commissioner Joyce Barney made MOTION to close the public hearing. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

8. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2017-032 for an amendment to existing C-2 Conditional Use Permit Large Scale Project # Z-2010-008. Magnum Solutions, LLC—Applicant.

Commissioner David Sturlin read recommendation on staff report.

Commissioner Tom Nielson made a MOTION to make a favorable recommendation with the condition that our Millard County Attorney reviews this before it goes to the BOCC. If Planner Adam Richins and our legal counsel can't find anything wrong with this then he feels good about sending it forward.

Commissioner Molly Stevens **SECONDED** the motion. Commissioner Greg Greathouse, Commissioner Joyce Barney and Commissioner Demare Iverson opposed. Motion Failed.

Commissioner Greg Greathouse would like to get further input first before we send it to the BOCC.

Commissioner Greg Greathouse made a **MOTION** to table application Z-2017-032 until our next available meeting. Before the next meeting have a review with legal counsel. Commissioner Joyce Barney **SECONDED** the motion. Voting was unanimous in the affirmative.

9. **PUBLIC HEARING** for Application # Z-2017-033 for an Electrical Generating Facility C-2 Conditional Use Permit for the construction and operation of the proposed Magnum Compressed Air Energy Storage (CAES) Project located south of the Intermountain Power Project (IPP) near the intersection of Brush Wellman and Jones roads, approximately 10 miles north of Delta. Magnum CAES, LLC—Applicant.

Commissioner Joyce Barney made a **MOTION** to open public hearing on application Z-2017-033. Commissioner Tom Nielson **SECONDED** the motion. Voting was unanimous in the affirmative. Public hearing opened at 8:32 pm.

Tiffany James with Magnum gave a presentation to the Commission.

There was discussion on the size of the salt domes and where they are located.

There was discussion on the monitoring wells that are located on the site.

Commissioner Greg Greathouse made a **MOTION** to close the public hearing. Commissioner Tom Nielson **SECONDED** the motion. Voting was unanimous in the affirmative. Public Hearing closed.

10. **REVIEW and POSSIBLE RECOMMENDATION** – for Application # Z-2017-033 for an Electrical Generating Facility C-2 Conditional Use Permit for the construction and operation of the proposed Magnum compressed Air Energy Storage (CAES) Project. Magnum CAES, LLC—Applicant.

Commissioner Greg Greathouse made a **MOTION** to table this to the next meeting for further legal counsel. Commissioner Joyce Barney **SECONDED** the motion. Voting was unanimous in the affirmative.

11. **PLANNING and ZONING ADMINISTRATOR'S REPORT**

Planner Adam Richins would like to extend his appreciation with the Commission. He will be working as a starting point.

16. OTHER BUSINESS

17. APPROVAL OF MINUTES – December 6, 2017, January 3, 2018

The proposed minutes of the regular Commission meeting held December 6th, 2017 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for December 6th, 2017, as corrected. Commissioner Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the regular Commission meeting held January 3rd, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barney made a MOTION to approve the minutes for January 3rd, 2018 as corrected. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

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

19. ADJOURNMENT

Commissioner Joyce barney made a MOTION to adjourn. Commissioner Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2018
David Sturlin, Chairman
Millard County Planning Commission