

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
May 5, 2010**

The Millard County Planning Commission met on Wednesday, May 5, 2010 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin SmithChairman
Gordon ChatlandVice-Chair
Joyce BarneyBoard Member
David SturlinBoard Member
Jim WithersBoard Member
Greg GreathouseBoard Member

EXCUSED:
Richard WaddinghamBoard Member

ALSO PRESENT:
Sheryl Dekker Millard County Planner
Amber Nickle Secretary
Bruce Parker Consultant / PDS
Brandon Bartholomew Fillmore Planning and Zoning
Samuel Quigley General Manager – Magnum Solutions
Linda Gillmor Millard County Economic Development
Rodger Mitchell SITLA
Michael Mooney IPSC
David Babcock Chief Engineer – Magnum Solutions
Marit Sawy JBR Environmental Consulting - Magnum
Tiffany James Director of Environmental Services – Magnum
Brian Pugh Permitting – Magnum
Dave Denton Managing Director – Magnum
David Hansen Magnum
LeAnn Hansen Visitor
Deron Lawrence Ecologist – Entrix

1. Welcome, Call to Order

Chairman Smith called the meeting to order at 7:07 p.m. He welcomed all present.

2. APPROVAL OF MINUTES – April 7, 2010

The proposed minutes of the regular Planning Commission meeting held April 7, 2010 were presented for consideration and approval. Commissioner Gordon Chatland made a motion to table the minutes until the June meeting due to some missing language. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

- Agenda item for Jun 2, 2010.

3. **DISCUSSION** Regarding a Request By Fillmore City Planning and Zoning Department to Enact a Temporary Moratorium on Hillside Development Until an Ordinance Can be Enacted to Provide a “Safety Net” for Development of Properties Adjacent to Fillmore City on Slopes and Hills that may Cause a Detrimental Effect on Existing City Infrastructure and Homes Due to Disruption of Historic Water Flows.

Gordon Chatland made a MOTION to make a favorable recommendation to the Millard County commission to impose a temporary moratorium on hillside development until an ordinance can be enacted to provide a safety net for development of properties in the foothills adjacent to Fillmore City as well as other incorporated towns. **SECONDED** by Jim Withers. Five members voted in favor of the motion; one member abstained.

4. **PUBLIC HEARING** for the Purpose of Receiving Public Comment on Proposed Text Amendments to Several Goals, Objectives, and Implementation Strategies, as Contained in the Millard County General Plan – Housing Element. These Amendments are being Proposed to Develop a Moderate Income Housing Plan as Part of the Millard County General Plan Pursuant to UCA 10-9a-103 And 17-27a-403. # Z-2010-006

Gordon Chatland made a MOTION to open the public hearing. Greg Greathouse **SECONDED** the motion. Voting was unanimous in the affirmative. The public hearing was open at 7:15pm. County Planner Sheryl Dekker said there should have been a moderate income housing plan included in the General Plan in 1998, but one was never implemented. An affordable housing plan is needed to comply with state code as well as for obtaining state and federal funding and grants. Bruce Parker stated that it is needed regardless of government funding. Joyce Barney asked why the numbers were so low in the table on Millard County Sales and Building in the “Amendments to the Millard County general plan housing element”. The consensus was that the numbers represented millions of dollars.

David Sturlin stated that the word “all” on bullet point four under “Implementation Strategies” may be too restrictive. Chairman Smith said that Attorney Waddingham should review the draft before a motion is made. Gordon Chatland made a motion to close the public hearing. David Sturlin **SECONDED** the motion. Voting was unanimous in the affirmative.

5. **DISCUSSION and POSSIBLE RECOMMENDATION** to the Board Of Millard County Commissioners for Proposed Text Amendments to Several Goals, Objectives, and Implementation Strategies as Contained in the Millard County General Plan – Housing Element Pursuant to UCA 10-9a-103 and 17-27a-403. # Z-2010-006

Chairman Smith said that the Planning Commission is not ready to make a recommendation. Gordon Chatland asked the county planner where the wording came from. Sheryl Dekker said that most wording was adapted from general plans of other counties. Greg Greathouse said he has not had a chance to look it over. Gordon Chatland noted that most of the text is in accordance with state statute. Sheryl Dekker stated that the statistical data was obtained from the census and the state of Utah. Gordon Chatland said

that he has reviewed it and feels that it is suitable for recommendation. Joyce Barney said that it can always be amended.

Gordon Chatland made a MOTION to recommend the draft to the Board of County Commissioners. The motion died for lack of a SECOND.

Gordon Chatland made a MOTION to table the agenda item until the June meeting. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

6. **PUBLIC HEARING** for The Purpose of Receiving Public Comment on an Application for a Conditional Use Permit for a Natural or Manufactured Gas Storage and Distribution Facility (Salt Cavern Natural Gas Storage Facility) Proposed by Magnum Solutions, LLC – Applicant. The Application is for Property Located South and East of the IPP Power Plant at the Intersection of Brush Wellman Highway and Jones Road, Approximately 10 Miles North of Delta. # Z-2010-008

David Sturlin made a motion to open a public hearing. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

The public hearing was opened at 7:30pm. Samuel Quigly approached the podium. He introduced Tiffany James and handed everyone on the board a presentation booklet to follow along with the power point presentation. Chairman Smith asked the audience, not including Magnum representatives, if anyone had any questions or comments. There were none.

David Sturlin made a MOTION to close the public hearing. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative.

7. **PUBLIC HEARING** for the Purpose of Receiving Public Comment on an Application for a Conditional Use Permit for a Gas Pipeline Right-of-Way (Major) Proposed to be Located in Millard County, Utah. The Gas Pipeline Right-of-Way (Major) is Proposed to Serve a Natural or Manufactured Gas Storage and Distribution Facility Proposed by Magnum Gas Storage, LLC. The Application is for Property Located Approximately 15 Miles North of Delta and Travels in a North Easterly Direction Exiting at the Boundary of the Millard-Juab County Line. # Z-2010-009

David Sturlin made a motion to open a public hearing. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative. The public hearing was opened at 7:37pm. Chairman Smith asked the audience, not including Magnum representatives, for questions or comments. There were none.

Tiffany James gave a presentation regarding the Magnum Gas Storage Facility and Header Pipeline. Chairman Smith asked Mr. Quigly if he would be the manager on site. Quigley responded that he would be the on-site manager.

Dave Denton approached the podium and asked for questions. Mr. Denton went over the water section of the presentation.

Greg Greathouse stated that it is easy to make a report reflect what the State Engineer wants to see rather than what actually happens. Chairman Smith asked who is going to monitor the ground water usage. Mr. Denton stated that the company will file a report at the beginning of the year what the projected water use will be for the year and another report at the end of the year of how much water was actually used. Chairman Smith asked if anyone in the audience was from the Western states. Mr. Quigly stood up and said he was from Eureka, Utah and said that they understand the concerns of the board and that the company is willing to work with the Board of County Commissioners to come up with a solution that all parties agree with. Jim Withers said that a year is too far out for a water report.

There was more discussion on monitoring water usage.

David Sturlin asked Mr. Denton if Magnum would be willing to accept a third party to monitor water usage instead of the State Engineer. Mr. Denton said they would be willing to discuss a third party. Gordon Chatland asked if the company owns any water. Mr. Denton stated that they own a little water for a wash house that came with a piece of property they purchased.

Greg Greathouse asked about the pond that would be created for the project. Mr. Denton stated the surface area would be 120 acres and 40 ft deep.

Joyce Barney asked whether solution mining to remove the salt could possibly leak into other aquifers. Mr. Denton said there would be steel casings that would keep out any pollution. The method is now being reviewed by water control agencies.

Joyce Barney asked if the high pressure of the pipeline causes any ground movement. Mr. Denton said there is no noticeable ground movement generated.

Joyce Barney asked if the Egg Farm and IPP pump a large amount of water daily from their wells. Mr. Denton said that IPP could pump 2000 gallons/min.

Greg Greathouse asked to be excused from the meeting. He stated before he left that he has a neighbor who has noticed some surveying being done on his land and he has not been notified by anyone and is not happy about it. Greg Greathouse recommended that Magnum make contact with the property owners before surveying.

Chairman Smith stated that Millard County would like the property taxes to stay in the county and not go to the State to be distributed over the state. Mr. Denton said they would try and convince the state tax commission to keep taxes in the County.

Gordon Chatland asked how many jobs the operation would generate. Mr. Denton stated that the operation would be manned 24/7 so a few would be hired for maintenance positions. Mr. Quigly said that a few technician jobs with benefit packages would be generated also. He stated that the employees would be trained by Magnum. There is no place for people to go to obtain the training needed for the jobs that would be generated by the Magnum operation.

Chairman Smith asked if there are any sensitive environmental issues except the dust. Deron Lawrence, an ecologist said that the ponds may draw waterfowl. He stated that there would be monitoring of the ponds to keep birds from spending time there. Joyce Barney asked if IPP gets waterfowl on their ponds. Michael Mooney said they do get birds out there frequently.

Joyce Barney asked how reclamation would take place. Marit Sawyer (Magnum's environment specialist) addressed the question.

Joyce Barney asked about safety precautions. Mr. Denton said that during construction they are required to maintain a perimeter with no flammable material. Mr. Quigly said that IPA has an emergency response team that would be available for Magnum to use as needed.

Mr. Denton said that Magnum is committed to bring industry experts to train IPA teams to handle the potential dangers of Magnum's operation. Joyce Barney asked if IPA has onsite fire protection. Michael Mooney said there is some equipment and they are considered separate from the county due to their location and unique hazards. Mr. Mooney said there would be a contract with Magnum which would cover all emergency service needs of the company and IPA would be compensated for their services. Tiffany James said that there would be annual training for the county emergency response teams as well as IPA's team. There is a proposed emergency plan in review.

Chairman Smith asked what type of pressure would be in the pipeline. David Babcock said there would be 1200 psi.

Magnum's representative, Mr. Quigly, stated that only the best engineers who are known worldwide are being hired to construct the project. Tom Erymanis is the leading salt mining engineer in the world and is on Magnum's payroll.

Joyce Barney asked about earthquake risks. Mr. Denton said that studies have been conducted and they have mapped out the areas of possible greatest impact in the area. The site would be located on the east side of the block, in the most stable area in reference to the fault lines in the area.

Chairman Smith asked if there were any questions. Mr. Quigly made closing remarks. Gordon Chatland made a motion to close the public hearing. Bruce Parker said that it may be better to continue the public hearing until the next meeting. Chairman Smith said that he would rather open another public hearing in the next meeting after advertising instead of leaving it open. Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

- Advertise for a second public hearing for June 2.

8. DISCUSSION ONLY Regarding an Application for a Conditional Use Permit for a Natural or Manufactured Gas Storage and Distribution Facility (Salt Cavern Natural Gas Storage Facility) Proposed by Magnum Solutions, LLC – Applicant.

9. DISCUSSION ONLY Regarding an Application for a Conditional Use Permit for a Gas Pipeline Right-of-Way (Major) and Proposed to be Located in Millard County,

Utah. The Gas Pipeline Right-of-Way (Major) is Proposed to Serve a Natural or Manufactured Gas Storage and Distribution Facility Proposed by Magnum Gas Storage, LLC.

10. **DISCUSSION** Regarding Amendments to the General Plan for Future Designated Major Utility Corridors In Millard County - Consider Designating Existing Transmission Lines of 140 KV or Greater – Bruce Parker

Gordon Chatland made a motion to table this discussion to the June or July meeting. Jim Withers **SECONDED** the motion. Voting was unanimous in the affirmative.

11. **OTHER BUSINESS**

There was none.

12. **Possible Closed Meeting Pursuant to Utah Code Annotated Section 52-4-4&5**

There was none

13. **ADJOURN**

Gordon Chatland made a motion to adjourn. Joyce Barney **SECONDED** the motion. Voting was unanimous in the affirmative. The meeting adjourned at 9:37 pm.

Robin Smith, Chairman
Millard County Planning Commission