

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
April 7<sup>th</sup>, 2021**

The Millard County Planning Commission met on Wednesday April 7, 2021 at the Millard County Fair Building, 187 S Manzanita Ave, Delta, Utah.

**PRESENT:**

John Nye.....Planning Commissioner  
Peter Greathouse .....Planning Commissioner  
David Sturlin ..... Planning Commission Chairman  
Joyce Barney ..... Planning Commission Vice Chairman  
Erin Sorenson .....Planning Commissioner  
Bob Rogers.....Planning Commissioner

**EXCUSED:** Demar Iverson .....Planning Commissioner

**ALSO PRESENT:**

Adam Richins..... Millard County Planner  
Angi Meinhardt..... Secretary  
Pat Finlinson ..... Millard County Attorney  
Dan Anderson .....Applicant  
Aaron Rees..... Millard County Resident  
John Ward ..... IPA  
Jon Chistensen ..... IPSC  
Jon Finlinson..... IPSC  
Shane Church ..... Applicant SFC Welding  
Blaine Ipson ..... IPSC  
Mike Utley ..... IPSC  
Clayton Anderson ..... Commercial Business Radio  
Kendall Anderson ..... Commercial Business Radio  
John Carlson..... Commercial Business Radio  
Alan S Nielson ..... Millard County Resident  
Ron Winters ..... Millard County Resident  
Shan Carling ..... Carling Properties  
Chris Carling ..... Carling Properties  
Dana Carling ..... Carling Properties  
Ken Nielson ..... Millard County Resident  
Pat Manis..... Millard County Resident  
John Andrews ..... Swell & Wilmer  
Daron Smith..... Millard County Resident  
Matt Ward ..... Chronicle Progress  
Romeo Ciuperca..... PVT Materials  
Kevin Peng ..... IPSC

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 Commissioner Chairman David Sturlin called the meeting to order at 6:34 pm.

**2. PUBLIC HEARING-** Application #Z-2021-022 to change the zoning of property approximately 47.8 acres in size located at 1365 N Highway 6, Delta from Highway Commercial (HC) to Heavy Industrial (HI). Shane Church, Applicant.

Commissioner Joyce Barney made a MOTION to open public hearing for application #Z-2021-022. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened.

Applicant Shane Church approached the Commission and gave description and proposal of the project. He stated this change will allow them the ability to grow in the future.

Commissioner Peter Greathouse made a MOTION to close public hearing on application #Z-2021-022. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed.

**3. REVIEW and POSSIBLE RECOMMENDATOIN-** Application #Z-2021-022 to change the zoning of property located at approximately 1365 N Highway 6, Delta from Highway Commercial (HC) to Heavy Industrial (HI). Shane Church, Applicant.

Commissioner Peter Greathouse asked how heavy the manufacturing will be. Applicant stated at this time it will be light but highly repetitive that will put them in the manufacturing component. This will not be a heavy industrial project with chemicals etc.

Applicant stated there will be suppliers bringing in the materials just like it is now. Commissioner Peter Greathouse stated he is concerned that there are many neighbors and thinks that the county needs to adjust some of the zoning standards. Applicant stated he is asking for the zone change as a precaution.

Commissioner Joyce Barney asked if the building is open to the general public or if this is just for the employees. Applicant stated this is not a public access operation at this time. The front end would be a private controlled zone like an office but does not see much of the public entering the office.

Commissioner Joyce Barney stated she agrees with Commissioner Greathouse that the zone needs to be adapted to help zone this project better.

Applicant is thinking this would be more of a commercial industrial facility not a heavy industrial zone.

There was discussion of the previous zone change when he first started the business.

Commissioner John Nye stated this seems like a good operation. It's great to see the project and business grow, but he does agree that the county needs to adopt a new zone for this kind of project to avoid any other HI business to come in on this property.

Commissioner David Sturlin stated that the Commission is looking at modifying the table of uses instead of changing this to HI.

Planner Adam Richins gave more description on this application. He stated that we cannot consider adopting or changing the zoning definitions at this time. The only thing the Commission can consider tonight is the requested zone change.

There was discussion on how long the change of table of uses will take.

There was also discussion of once the zone is changed how long it would take to change it back to the AI and RI if needed.

There was discussion of how it would affect the operation if they did not approve the zone change. Applicant stated this is a grey area and they just want to be on the right side of things and upfront so they can operate as the county says they can. Applicant stated there are no complaints at this time.

There was discussion to send a recommendation to the BOCC as a different use. Planner Adam Richins stated this has to be a favorable or unfavorable recommendation to the BOCC.

There was discussion of the prior uses that this location was used for.

Commissioner Erin Sorenson stated that she appreciates the applicant coming to the Commission to get things taken care of the correct way. She would like to move forward with this application as she sees that it fits the definition.

Commissioner John Nye made a MOTION to send a favorable recommendation to the BOCC for application #Z-2021-022 to change the zoning of property approximately 47.8 acres in size located at 1365 N Highway 6, Delta from Highway Commercial (HC) to Heavy Industrial (HI) as it conforms to the General Plan and including recommendations:

- A. Recommended the zone change from Highway Commercial (HC), Ag Industrial (AI), & Residential (R-1) to Heavy Industrial be approved only if it can be determined that industrial-type operations permitted under the Table of Uses are an appropriate land use for the proposed location.
- 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. (Ord. 12-12-04, 12-04-2012)

Commissioner Erin Sorenson SECONDED the motion. Commissioner Peter Greathouse and Commissioner Bob Rogers opposed. Motion carries.

Commissioner Bob Rogers stated that he opposed because he thinks going HI would be opening boxes for future uses that the neighbors would not want in that area. He is in favor of the present use of the property.

Commissioner Peter Greathouse stated he does not think that the planned use and current definitions are appropriate at this time and need to be amended and corrected.

4. **PUBLIC HEARING**—Application #Z-2021-023 to change the zoning of property approximately 7.31 acres in size, located within SEC 33, T21S, R5W, SLM, from Agriculture (Ag) to Agriculture Industrial (AI). Daniel & Jessica Anderson, Applicants.

Commissioner Peter Greathouse made a MOTION to open public hearing on application #Z-2021-023 for a zone change. Commissioner Bob Rogers SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened.

Applicant Daniel Anderson approached the Commission and gave description of his plan and proposal.

Shan Carling approached the Commission and stated that they have some concerns of this project. They have been farming the neighboring property for 30 years. He is concerned about the zone change allowing other facilities to be on the property. He thinks this could impact his farm as they spray chemicals on their farm ground. They want to get along with their neighbors and they think they have other property that they could put this facility on that would only impact the applicants. Shan Carling was also concerned about the traffic impact.

Chris Carling approached the Commission and stated that he believes that the community needs killing facilities but is worried about the chemicals that they spray on their farm going to the facility.

Dana Carling approached the Commission. She went over the General plan and it is a great plan keeping the agricultural going. She is concerned of the facility ruining the scenery along the highway.

Erin Reese approached the Commission. He stated that he is going to be a partner in this project. It is a high demand project. This facility will not be killing thousands of animals. He has worked at facilities like this and this will not impact any of the neighboring farmers. There is power and water already on the property and that is why they chose this location.

Commissioner Bob Rogers made a MOTION to close the public hearing for application #Z-2021-023 for a zone change. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed.

**5. REVIEW and POSSIBLE RECOMMENDATION**— Application #Z-2021-023 to change the zoning of property approximately 7.31 acres in size, located within SEC 33, T21S, R5W, SLM, from Agriculture (Ag) to Agriculture Industrial (AI). Daniel & Jessica Anderson, Applicants.

Commissioner Erin Sorenson asked how much of an impact this will have on the neighboring farming practices. Applicant Daniel stated there will be no impact and they do not see there being any conflict. Applicant stated there is more than a 50-foot barrier to the building. He stated it will be 100-200 feet from the neighboring property line. Applicant stated he is just wanting to get state certified. Applicant

stated this is a pretty small-scale facility and would only be processing maybe 1 animal per week and does not anticipate getting any bigger than 5 per week.

Commissioner Bob Rogers asked why he chose AI instead of A20. Applicant stated that the C-2 permit is required to be in an AI Zone.

There was discussion if this application would be acceptable in Ag20 also.

Commissioner Peter Greathouse asked how much water the facility has available. Applicant stated they will use about 300 gals per animal and they have more water than that.

There was discussion of the nearest homes being a little over a mile away from the proposed facility.

Commissioner Bob Rogers made a MOTION to send a favorable recommendation to the BOCC for application #Z-2021-023 for a zone change including all recommendations:

- A. Recommend the zone change from Agriculture to Agricultural Industrial be approved only if it can be determined that unmitigated industrial-type agricultural operations permitted under the Table of Uses will not significantly impact surrounding properties.
- 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. (Ord. 12-12-04, 12-04-2012)

Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

- 6. PUBLIC HEARING**—Application # Z-2021-029 to amend C-2 Conditional Use Permit #Z-2020-023 for Surface Mining to include a 30.4-acre site for mineral processing. PVT Materials, LLC., Applicant.

Commissioner Bob Rogers made a MOTION to open a public hearing on application # Z-2021-029 to amend a C-2 Conditional Use Permit #Z-2020-023. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public Hearing Opened.

Romeo Ciuperca approached the Commission and gave description of the PVT Materials, LLC project and proposal. They have selected a site for the project, and would like to add this site to the C-2 CUP.

Planner Adam Richins stated that the proposed site is pretty detailed and this use is allowed.

Commissioner Joyce Barney made a MOTION to close the public hearing on application Z-2021-029. Commissioner Bob Rogers SECONDED the motion. Public Hearing closed.

- 7. REVIEW and POSSIBLE RECOMMENDATION**— Application # Z-2021-029 to amend C-2 Conditional Use Permit #Z-2020-023 for Surface Mining to include a 30.4-acre site for mineral processing. PVT Materials, LLC., Applicant.

There was discussion that the current CUP is on SITLA land but they have mining claims on BLM lands.

Commissioner Peter Greathouse asked if this process will require water on the facility and if so, how much. Romeo Ciuperca stated no water is required in the processing. The office will need to have water. They may also need water for dust control that they will truck in. This is a mechanical processing facility not a chemical processing facility so no other water is needed.

There was discussion of the electrical power source.

There was discussion of the valuation amount for phase one that include the amended portion of the CUP.

There was discussion that phase 2 will not need another CUP but just a building permit.

There was discussion of needing a road maintenance agreement.

Applicant Romeo Ciuperca stated that he hopes this project goes for perpetuity. He stated that the claim they have with the BLM could last for around 200 years.

Commissioner Joyce Barney asked if there is a reclamation bond. Applicant stated this is a permanent structure and will not be reclaimed. Planner Adam Richins stated that is pretty subjective and the intent that any long-term project would come to an end but some types of projects do not require a bond. The property in question is just lowering the existing surface and PVT Materials LLC will have to answer to SITLA for a bond if they feel that it is required. This will not require a bond at the county level. Planner Adam Richins stated that an ongoing bond is very costly and is not a need on this project but this Commission has the ability to add that as a condition.

Applicant stated that they are on BLM and SITLA land and they have their own rules that they have to comply with and will be part of the permitting process. He is not sure on the specifics of what the BLM and SITLA will be requesting.

Commissioner Joyce Barney made a MOTION to send a favorable recommendation to the BOCC on application #Z-2021-029 to amend C-2 CUP #Z-020-023 for surface mining as it is in accordance with the general plan and including the following recommendation:

1. Approve the C-2 Conditional Use Permit for Surface Mining with reasonable conditions.
2. Basis for Issuance of a Conditional Use Permit:
  - a) The proposed use is a Conditional Use within the Zoning District as identified in Chapter 25-Appendix A, Table of Uses.
  - b) The proposed use is allowed within the Zoning District as Identified in Chapter 8.
  - c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, heigh, and all other requirements as applicable.
  - d) 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.
  - e) The property on which the use is 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
  - f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local Requirements and regulations.
  - g) The propose use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.
  - h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-+04, 12-04-2012)
3. Approve the amendment to the Conditional Use Permit with the following reasonable conditions:



1. **Federal and State Permitting Requirements.** Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this decision shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that is authorized the use of the subject premises in the manner authorized herein.
2. **Plans to be on File.** Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all permits or plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the surface mining project.
3. **Required Reporting to be on File.** Required compliance reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the surfacing mining. Developer shall provide notice to the BOCC, County Attorney, County Planner, and County Representative of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.
4. **Documents to be on File.** Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner documentation that Developer is in compliance with applicable Federal or State Agency requirements relating to the construction and operation of the project.
5. **Insurance.** Developer shall provide a list of all project specific insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Developer shall provide updated lists from time to time as needed to reflect current changes in insurance coverage(s).
6. **Warning Signage.** Developer shall provide warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.
7. **Road Agreement.** Developer shall enter into a road construction and maintenance agreement with Millard County prior to commencing construction of the project.
8. **Necessary Conditional Use Permit Modifications.** The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit (#Z-2021-029) upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.
9. **Amendments.** All changes and modifications to this Conditional Use Permit, and not determined to be a minor facility plan modification, shall be considered by the Planning Commission and BOCC as an amendment to

this Permit and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

- 10. Incorporation by Reference.** All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.
- 11. Inconsistencies and Ambiguities.** Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.
- 12. Recordation.** Upon the approval of Conditional Use Permit # Z-2021-029, this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, County representative, and Developer.
- 13. Independent Specialist Review.** In reviewing application and reporting materials submitted by Developer under this Agreement, the County may engage an independent specialist, at the County's choosing, to review all reports, materials, and other correspondence filed with a governmental agency related to the construction, operation, and maintenance of the Project. Developer will provide cost recovery to the County for these reviews. The County will identify, treat, and protect these reports and any supporting documents as confidential business information, unless or until this information is deemed to be public information.

Commissioner Erin Sorenson **SECONDED** the motion. Voting was unanimous in the affirmative.

- 8. PUBLIC HEARING**— Application # Z-2021-001 to amend the Conditional Use Permit for the Intermountain Power Project (IPP) for construction and operation of the IPP Renewal Project—an electric generating facility. Intermountain Power Agency, Owner. Los Angeles Department of Water and Power (LADWP), Applicant.

Commissioner Peter Greathouse made a **MOTION** to open public hearing on application #Z-2021-001 for an amendment to a CUP for IPP. Commissioner Bob Rogers **SECONDED** the motion. Voting was unanimous in the affirmative.

Kevin Peng with Los Angeles Department of Water and Power approached the Commission and gave description of the project overview. He stated that IPP renewal program scope includes, generation, fuels, transmission and a substation.

Kevin Peng went over the project schedule with construction starting in 2022 and going until about the middle of 2024. The deconstruction will start in 2026 to 2028.

There was discussion of the projected personnel curve with a peak of 900-1000 people until about 2026.

He went over the CUP amendment application overview.

There was discussion of the safety and security plan, transportation and traffic study, temporary housing plan and environmental assessment.

There was discussion of the general flow of the major traffic routes.

The intent is to utilize the construction personnel camp area to hold most of the construction personnel. Each contractor will be designated their own area based on labor resource plan.

Alan Nielson from Lynndyl asked what the extend of the development of the underground storage will be. Kevin Peng stated that is an entirely different project team but they are very interested in those and IPP is perusing in storage for the hydrogen.

Commissioner David Sturlin stated we would like to leave the written public comments open for future reference.

Commissioner Bob Rogers made a MOTION to close the public hearing. Commissioner John Nye SECONDED the Motion. Voting was unanimous in the affirmative. Public hearing closed.

## **9. OTHER BUSINESS**

There was discussion of independent specialist reviewing applications when concerns are identified and scopes are open ended.

There was discussion of changing a few of the definitions on the table of uses.

## **10. APPROVAL OF MINUTES –March 16, 2021 Planning Commission Meeting.**

The proposed minutes of the regular Commission meeting held March 16, 2021 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Joyce Barny made a MOTION to approve the minutes for March 16, 2021 as corrected. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

## **11. POSSIBLE CLOSED MEETING Pursuant to Utah Code Annotated Section 52-4-204 & 205**

## 12. ADJOURNMENT

Commissioner Erin Sorenson made a MOTION to adjourn. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

---

Dated this \_\_\_ day of \_\_\_\_\_ 2021  
David Sturlin, Chairman  
Millard County Planning Commission