

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
January 4, 2012**

The Millard County Planning Commission met on Wednesday January 4, 2012 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Greg Greathouse Board Member
Joyce Barney..... Board Member
Molly Stevens Board Member
David Sturlin..... Board Member
Gary Walker Board Member
Gordon Chatland Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl Dekker County Planner
Daron Smith Commissioner
Bruce Parker Planning & Development Services
Amber Nickle Secretary
Joe Zilfi Land Owner - Flagstaff AZ
Gordon Bell Western Land Services
Dent Curtis DP Curtis Trucking
Lani Eggertsen-Goff EPG
Scott Robison Citizen
Marihi Robison Citizen
Don Watts..... Rocky Mountain Power
Michael Doyle Rocky Mountain Power
Margaret Oler Rocky Mountain Power
Jeff Richards Rocky Mountain Power
Aaron Gibson Rocky Mountain Power
Paige Gardiner Rocky Mountain Power
Delynn Rodeback Rocky Mountain Power
Shai Riding Millard County Landowner
Cade Riding..... Millard County Landowner
Chester Memmott Scipio Resident/Landowner
Fern Memmott Scipio Resident/Landowner
Tom Heaton..... Rocky Mountain Power
Mike Doyle..... EPG

1. Welcome, Call to Order

Chairman Smith called the meeting to order at 7:00 p.m. He welcomed all present.

2. APPROVAL OF MINUTES – November 8, 2011

The proposed minutes of the regular Planning Commission meeting held November 8, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes, as corrected. Commissioner Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW and POSSIBLE APPROVAL of Application # Z-2011-021 for a Conditional Use Permit for an above ground Fuel Tank & Pump located west of I-15 and 1,200 feet north of Eagles Landing, Scipio. D. P. Curtis Trucking, Inc. – Applicant.

Chairman Smith introduced the agenda item for discussion and questions. Gordon Bell of Western Land Services and representing DP Trucking of Richfield introduced himself. He stated that the company would like to put a fuel tank and pump near Eagles Landing for the purpose of fueling their company vehicles.

Joyce Barney asked if they plan to install restrooms. Mr. Bell stated that they will have some portable potties near the pump.

Gary Walker asked if there is a state or federal agency that would monitor or regulate the fuel pump. Mr. Bell stated they will be regulated by the state. Gary Walker asked about fire regulations. Mr. Bell stated they will have fire extinguishers on site.

David Sturlin asked if the road is well maintained. Mr. Bell said it is. David Sturlin asked about the volume of trucks utilizing the facility. Mr. Bell stated they would have between 20 and 30 trucks through there a day.

Gary Walker asked why the trucks do not just buy fuel from Eagles Landing. Mr. Bell stated that the cost is considerably higher, enough to justify the cost of installing their own fuel tank facility.

Planning Commission Chairman Smith pointed out that an increase in traffic through that area could bring more business to Eagles Landing. He said the only concern he sees is road maintenance and dust control.

County Commissioner Daron Smith said the road has been treated with magnesium chloride to keep the dust down but will need to be kept up. Mr. Bell stated that the company (D.P. Curtis Trucking) could contribute to the road maintenance and repair. Gary Walker stated that it could be in the conditions that they help maintain the road.

Mr. Bell stated there would be some garbage cans at the fuel pump for the truckers to clean out their trucks and to maintain cleanliness of the area.

Greg Greathouse asked if they would do anything to control the dust. Gary Walker stated that dust and litter control could also be reasonable conditions in the permit.

Chairman Smith asked for any more commentary on the application from the audience. Chester Memmott said he owns the land adjacent to the 20-acre lot where the fuel pump would be. He wanted to know what the regulations are concerning the distance a building must be from a fuel pump. There was some discussion and it was decided it would not be an issue if he wanted to build a building adjacent to the pump in the future.

Attorney Waddingham stated that fire codes must be adhered to and included in the conditions.

Gary Walker made a motion to approve the application based on the criteria in the land use ordinance:

- A. The proposed use at the proposed location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the County. Benefits from the proposed operation include:
 1. Additional sales tax receipts occurring during the operation.
 2. Possible benefits to local businesses with increased opportunities for additional sales and revenues.
- B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons or injurious to property or improvements of the immediate area or the County as a whole. The potential risk factors have been identified and assessed as part of various federal and state environmental review processes.
- C. The proposed use will comply with the regulations and conditions specified in the County Code for such use.
- D. The proposed use conforms to the goals, policies and governing principles of the county General Plan.

and with the following conditions:

- Property owner must comply with all fire codes. (Be in compliance with *(MCC 10-7-6)*)
- Property owner must contain waste and keep the property in a clean and litter free condition
- Property owner be responsible for dust control
- Property owner must participate in maintenance and repair of the access road
- Comply with all state, federal and county regulations *(MCC 10-9-13)*

Gordon Chatland **SECONDED** the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2011-020 for a Non Plat Subdivision for the purpose of building a single family dwelling located at 3180 W 3500 N, Delta. Cade & Shai Riding – Applicants.

Robin Smith confirmed the land was on a county road. Gordon Chatland asked if they had a water permit from the State Water Rights Division. Cade Riding stated they will be purchasing a water right from his father-in-law who is the current property owner.

Mr. Riding stated the land is currently being used as farm ground. He said he would divide out two acres to build their house. Joyce Barney noted that this would be a one time division of the existing parcel. They would not be able to divide the existing parcel of land again into additional parcels. Robin Smith stated that if they did want to parcel out more land in the future that it would require application for a fully platted subdivision.

Gordon Chatland made a MOTION to make a favorable recommendation to the Board of County Commissioners with the condition that the water share gets transferred to the property. Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2011-022 for a Non Plat Subdivision for the purpose dividing property into four parcels (two 40-acre and two twenty-acre) for property located 4 miles north of Holden and $\frac{3}{4}$ miles east of I-15. Joseph Zilfi – Applicant.

Gary Walker asked the applicant to explain the application. Joseph Zilfi stated that his application is for estate planning only so that in the event of his death everything would be spelled out to his family. Gary Walker asked if there are any future plans to build in the area. Mr. Zilfi said not at this time. Joyce Barney asked if he plans to build on any of the plots. Mr. Zilfi said are no plans at this time to develop the land in the next 20 years. The land would continue its existing use which is agriculture.

Attorney Waddingham asked if any of the land is irrigated. Mr. Zilfi said not at this time. Attorney Waddingham read from the Millard County Code 11-3-2 regarding the division of agricultural lands.

Joyce Barney asked who the owner of the land is. Mr. Zilfi stated that he is the sole owner.

Gordon Chatland made a MOTION to make a favorable recommendation to the Board of County Commissioners. David Sturlin SECONDED the motion. Voting

was 5 in favor – Gordon Chatland, Molly Stevens, Joyce Barney, Gary Walker and David Sturlin, and 1 opposed – Greg Greathouse. The motion carried.

6. ROCKY MOUNTAIN POWER – Sigurd to Red Butte No. 2 345 kV Transmission Project Presentation.

Bruce Parker stated that this agenda item is for discussion only, and that Rocky Mountain Power will return to the Planning Commission in February with their applications for a general plan amendment and a conditional use permit application.

Tom Heaton introduced himself and displayed a map of the proposed Sigurd to Red Butte transmission line project. He noted that the green line is Rocky Mountain Power's (RMP) preferred route. They are hoping to get approval for the preferred route and are requesting some leeway to make changes according to the test results as construction progresses.

Mr. Heaton explained the reasons for the project utilizing a power point presentation. He showed pictures and explained what the project will look like.

Mike Doyle of Environmental Planning Group (EPG) introduced himself. He explained the NEPA Act (National Environmental Policy Act) and the process that they have been required to complete for this project. Mr. Doyle explained all the studies and processes they have undergone to comply with the NEPA process. He pointed out the timeline of the process and all the steps they have done in the Environmental Impact Statement (EIS). Several meetings were held over the past three years regarding the project with BLM, Millard County staff, Six County Association of Governments (SCAOG), and Rocky Mountain Power. All the meetings dates and locations are outlined in the application.

Mr. Doyle stated that they have been working with First Wind to minimize possible conflicts with their wind farm projects. He explained the public process and participation that has taken place to date.

Mr. Doyle stated that the proposed project location is located outside the BLM west-wide energy corridor and Millard County's preferred utility corridor, nor is it "immediately adjacent"; therefore the project will require an amendment to the *Millard County General Plan*.

Mr. Doyle presented a map with the proposed route. He stated that 75 feet on either side of the line is needed after completion. However they are requesting a 1000 foot corridor with 500 feet on either side of the line, to leave some leeway during construction to allow for adjustments because of terrain and possible obstacles, as well as to address landowner concerns, engineering constraints, or unforeseen environmental conflicts without having to amend the conditional use permit or submitting a new application.

Aaron Gibson introduced himself as the Transmission Unit Manager for Rocky Mountain Power. Robin Smith clarified that RMP is requesting a conditional use permit and a general plan amendment on a route that has not yet been approved by BLM. Aaron Gibson agreed that is correct. County Commissioner Daron Smith stated that Millard County has been very successful in working with BLM on this and past projects. He noted that getting to this point is the result of a three year process as a cooperating agency with BLM.

Bruce Parker stated that the application is appropriate even with the ambiguity surrounding it due to the permitting process with BLM. RMP would like to be proactive and instead of reacting to BLM they would like to get some support from the Planning Commission in supporting the preferred route.

Chairman Smith again expressed the Planning Commission's desire for the route to stay outside of Millard County completely. He said he understands that BLM attempts to determine the route with the least amount of environmental impact.

Gary Walker asked if the corridor is approved can it be restricted to this project only. Bruce Parker said to make that possible there would need to be some text changes in the general plan amendment.

Robin Smith asked if the corridor was a mile wide how close another power line could be to the RMP power lines. Mr. Gibson said that it would need to be 1000 to 1200 feet away. There was more discussion about the width of the corridor RMP needs for their transmission lines.

Greg Greathouse asked about the land owner leases. Mr. Doyle stated that it is hard to get the landowners to agree upon lease conditions before there is a conditional use permit.

7. BRUCE PARKER – Millard County Zoning Ordinance

Bruce Parker distributed the "Draft" Appendix A "Table of Uses and Accompanying Use Definitions" to the Land Use Ordinance project. Bruce Parker stated that in early November he met with Attorney Waddingham and Sheryl Dekker. He said the presented document included changes from that meeting. Mr. Parker explained that the table is more comprehensive than the existing matrix and defines each of the uses. He also noted that the CC (Community Commercial) zone has been eliminated, and that a transmission corridor zone is being proposed. He asked the Planning Commission to review the graph in more detail and be ready to have a discussion at the next planning commission meeting.

8. OTHER BUSINESS

There was none.

**9. POSSIBLE CLOSED MEETING PURSUANT to UTAH CODE
ANNOTATED SECTION 52-4-4&5**

10. ADJOURNMENT

11. Adjourn

Gary Walker made a MOTION to adjourn. Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 9:42.

Robin Smith, Chairman
Millard County Planning Commission