

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
September 3, 2014**

The Millard County Planning Commission met on Wednesday September 3, 2014 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Gary Walker Planning Commissioner
Gordon Chatland Planning Commission Chairman
Brent Blake Planning Commissioner
Molly Stevens Planning Commissioner
Greg Greathouse Planning Commissioner

EXCUSED: David Sturlin Planning Commission Vice Chairman
Richard Waddingham Millard County Attorney

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt..... Secretary
Daron Smith..... Millard County Commissioner
Bruce Parker Planning & Development Services
Brett Eliason Minor Subdivision Applicant
Jalee Eliason Minor Subdivision Applicant
Brian Pugh Magnum Environmental Manager
Samuel C. Quigley Magnum General Manager
Tracy Eliason Deseret Citizen
M. Peter Jacobson Land Owner
LaRae Peterson..... Land Owner

1. Welcome, Call to Order

Chairman Gordon Chatland called the meeting to order at 7:05 p.m. He welcomed all present.

2. APPROVAL OF MINUTES – July 2, 2104

The proposed minutes of the regular Planning Commission meeting held July 2, 2014 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Molly Stevens made a MOTION to approve the minutes for July 2, 2014 as corrected. Planning Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW and POSSIBLE RECOMMENDATION on AFTER-the FACT MINOR (NON PLAT) SUBDIVISION APPLICATION # Z-2014-029 for property located

at 4500 West 4515 South, Deseret (Delta Grid). Brett A. & Jalee H. Eliason-Owners.

Planning Commission Chairman Gordon Chatland asked if the Board had any questions for the Eliason. Planning Director Sheryl Dekker stated that the Eliasons went and recorded their subdivision of the parcel without going through the process to get a non-plat subdivision approved first. The Eliasons tried to get a building permit and was unsuccessful because their subdivision was not approved by the Planning Commission Board. The Eliasons are at the Meeting today to present their non-plat subdivision application and get an approval from the Planning Commission so they can proceed and go to the Board of Millard County Commissioners (BOCC). Tracy Elaison (father of Brett & Jalee Eliason) approached the board and stated that he would love to have his son and daughter-in-law be able to move forward with this application so they can proceed with their building process.

Planning Commissioner Gary Walker made a MOTION to make a favorable recommendation to the BOCC for application Z-2014-029 regarding After-the-Fact Minor (Non Plat) Subdivision for property located at 4500 West 4515 South, Deseret (Delta Grid). Brent Blake SECONDED the motion. The voting was unanimous in the affirmative.

Planning Director Sheryl Dekker stated that she would get the Eliasons on the agenda for County Commission Meeting that will be held on September 16, 2014. Planning Commissioner Greg Greathouse stated that if in the future they decide to subdivide any more of the remaining acreage, they will have to go through the entire subdivision ordinance and process to get it approved. It will be more complicated than this application process.

- 4. REVIEW and POSSIBLE RECOMMENDATION on MAP ZONE CHANGE APPLICATION # Z-2014-030 from AG20 (Agriculture 20 acre) and RF20 (Range & Forest 20 acre) (multiple zones) to HI (Heavy Industrial) for property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta. 9650 N 540 E, Delta Grid. Magnum Holdings, LLC-Applicant. Utah State School and Institutional Trust Land Administration (SITLA) – Owner 1.060.35 acres.**

Planning Director Sheryl Dekker stated that Magnum's existing zone is already AG20 & RF20 but they want to change it to (HI). Magnum General Manager Sam Quigley and Magnum Environmentalist Manager Brian Pugh approached the podium. They have prepared to give either a long or short presentation of their application.

Planning Commissioner Gary Walker stated that they need to have a public hearing on the agenda before they can approve the recommendation to the BOCC. Planning Director Sheryl Dekker stated that it has been advertised in 3

different places, but it was not on the agenda. Planning Commissioner Greg Greathouse stated that it should be on the agenda so that it won't jeopardize their zone change later on. There was some discussion on what needs to be done before the Planning Commission can make a recommendation on this matter. Planning Consultant Bruce Parker asked if this change was time sensitive to Magnum. They stated that they were prepared to give the presentation today if they could still show the Planning Commission. Sam Quigley asked if Magnum could schedule the public hearing for the next Planning Commission meeting in October. The public hearing will be on the October 1st agenda.

Brian Pugh presented the re-zoning application with a short slide show. He stated this project was originally for a gas storage project that started about 4 ½ years ago. Now the company is looking forward with the success of the project. The company now has other people looking at some of the other platforms that are part of the western energy hub. Mr. Pugh stated he will present those at the public hearing in October.

Mr. Pugh stated that when the company first applied 4 ½ years ago, they just wanted the area that the gas storage and ponds were located to be re-zoned. With their success of the project they want to get the rest of the facility under the correct zoning for future development.

Peter Jacobson approached the podium. He is attending the meeting with his mother in-law Larae Peterson who is part owner of the property that is adjacent to some of the property in this section. Jacobson and Peterson are concerned of how this zone change will affect their property. Mr. Pugh stated nothing out of the ordinary is going to change.

5. CONTINUE DISCUSSION –Title 11 Chapter 6 Non-Plat Subdivision Applications – specifically shared wells.

Planning Commissioner Greg Greathouse stated that Mr. Waddingham is excused from this meeting because of other Millard County business.

Planning Consultant Bruce Parker approached the podium. He stated that the commission has had this discussion numerous times. He has called the department of natural resources and spoke to a representative of Utah Division of water rights, and a representative from Utah Division of Drinking Water. Mr. Parker has invited them to come to the next planning commission meeting in October. They will help brief the Planning Commission on what the rules are from the state level about permits on water requirements and what they are finding with the state rules. Planning Consultant Bruce Parker stated that he told the officials that he would gather some questions from the Planning Commission to take back to the officials so they can prepare the answers.

Planning Director Sheryl Dekker asked, if a well owner had enough water in their well could they sell or transfer water to another person? Planning Commissioner Molly Stevens stated they would still have to do a change application and the transfer could take months but that is something that could be done. Planning Commissioner Brent Blake stated that if the land owners do not go through the correct process for the well or water permits there could be a lot of hassle for that land owner later on.

Planning Consultant Bruce Parker asked the Commission to verify what the water flow for a fire protection is. Planning Commissioner Gary Walker stated that there is no water flow for fire protection on personal wells other than in major subdivisions. The wells are not to be used for that purpose. The Fire department use pumper trucks.

Planning Director Sheryl Dekker asked is there ever a time when we are doing a non-plat subdivision without water? Planning Commission Chairman Gordon Chatland stated that in that case there would be no building permits issued and it would be unbuildable unless the owners addressed the water issue. Planning Consultant Bruce Parker stated that we should have the recorder put a note on the non-plat maps stating that none of these lots are buildable until they meet all the culinary water requirements and other requirements of the county.

Planning Consultant Bruce Parker stated that he will be taking the suggested questions to the officials, for them to review and come back with some solutions to discuss in the October meeting.

6. CONTINUE DISCUSSION - REVIEW of EXISTING ORDINANCES - Title 10, Chapter 23 Enforcement

Section 10-23-3—Types of Violations:

- 1) It shall be unlawful for any person to violate any provision of this Ordinance, cause the violation of any provision of this Ordinance, or fail or refuse to do some act required under this Ordinance, including
 - a) to engage in any development, use, construction, remodeling, or other activity of any nature upon the land and improvements without required Land Use Application approvals.

Planning Consultant Bruce Parker presented this discussion that was brought up and reviewed in the July Meeting. Mr. Parker distributed revised documents. He stated that he had made some revisions that simplified the language but the strength is still there. Planning Consultant Bruce Parker also stated that we should look over these enforcements and make changes to them today before we have a public meeting on them.

Planning Commissioner Gary Walker asked about one of the enforcements on page 1 section 10-23-3 number 3. He was concerned about why the word erection was taken out of the wording. Planning Consultant Bruce Parker stated that he thought it was duplicated, and he thought the word construction was strong enough. Planning Commissioner Gary Walker stated he would like to leave the word erection on 10-23-3 line 3) and have it read as follows:

Section 10-23-3

3) If a building permit is required by the Building Codes the County shall not issue a building permit unless the plans for the proposed erection, construction, reconstruction, alteration, or use conforms and complies with all Land Use Ordinances, including this Ordinance, and the Building Codes.

Planning Commissioner Chairman Gordon Chatland stated that we should follow the state code and fuse the verbiage wherever we can to follow within those same state code guidelines, unless we are adding more specific things. He then stated that the Millard County ordinances are just a reflection of the State ordinances. Planning Commissioner Greg Greathouse stated that these laws are to protect the agriculture land and the people that want to build on lots in Millard County. Planning Commissioner Brent Blake asked, to what extent we are mandated to follow every little thing that the State sends down to the commission, because it seems that most of these suggestions are for Salt Lake, Davis and other urban counties. Millard County Commissioner Daron Smith stated that the building codes are state wide. Planning Commissioner Brent Blake stated that not all of the ordinances that are listed are for rural areas like Millard County. He then suggested that some of the ordinances be changed to help the rural areas of Millard County. The Planning Commission had some discussion as to what Ordinances could be changed to our advantage.

Planning Commissioner Gary Walker thanked Planning Consultant Bruce Parker for all the help and suggestions that he has given the Planning Commission concerning the ordinances. The Planning Commission agreed that Planning Consultant Bruce Parker has done a great job in helping with the ordinances and enforcement changes and recommendations.

Planning Consultant Bruce Parker suggested that the board take these ordinances and review the drafts and he will have the final draft ready for a public hearing in November or December. He then stated that before the public hearing he will do another draft with the changes that were suggested tonight and maybe highlight the ordinances that are state codes as to county codes.

Planning Commission Chairman Gordon Chatland asked when the temporary subdivision ordinance will expire. Planning Consultant Bruce Parker stated that the temporary ordinance will expire either by the end of September or middle of October. He stated there is no extension on the Temporary ordinances so if it does expire then it would revert back to the old ordinances.

Planning Consultant Bruce Parker stated he would have the draft ready for the board to look over in about 10-14 days. After they look through the draft Mr. Parker suggested that they have a work session on these changes so it can move forward as soon as possible with a public hearing. The Commission would like to get this Ordinance Title 10 chapter 23 enforcement changed as soon as possible.

Planning Director Sheryl Dekker stated the zone change and public hearing for magnum need to be for Oct 1 2014. Planning Consultant Bruce Parker suggested to have a work session on Oct 1 before the regular meeting at about 6:00 pm. Planning Commission Chairman Gordon Chatland stated that we could schedule a work session through email so that it could be scheduled so everyone could attend.

7. PLANNING AND ZONING ADMINISTRATOR'S REPORT

A. Decision by Board of Millard County Commissioners on Pavant Solar application for C-2 Conditional Use Permit # Z-2014-019

Planning Director Sheryl Dekker stated that the Pavant Solar Zone change was approved by the Board of County Commissioners.

8. OTHER BUSINESS

Millard County Commissioner Daron Smith stated that Magnum really wants to have control over the situation before anyone else comes in and wants to control them. He also stated that they are really encouraged by this project.

Millard County Commissioner Daron Smith stated that the BOCC did approve the final plat of Deseret Heritage and everything has been completed on that matter. Deseret Heritage is able to sell lots at this time.

Millard County Commissioner Daron Smith stated that the Economic Development board has had a meeting about moving natural gas to Sutherland, Deseret, Oasis and Flowell areas. They were denied the grant for that project, but they can re-apply. There was some more discussion to the Planning Commissioners about this project.

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

10. ADJOURNMENT

Planning Commissioner Gary Walker made a MOTION to adjourn. Planning Commissioner Molly Stevens SECOND the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:50pm

Dated this 3rd day of Sept 2014
Gordon Chatland, Chairman
Millard County Planning Commission