

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
December 3, 2014**

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

PRESENT: Joyce BarneyPlanning Commissioner
Gary WalkerPlanning Commissioner
Molly StevensPlanning Commissioner
David Sturlin Planning Commission Vice Chairman
Greg GreathousePlanning Commissioner
Gordon Chatland Planning Commission Chairman
Brent BlakePlanning Commissioner

EXCUSED: Richard Waddingham Millard County Attorney

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt..... Secretary
Alan Roper.....Millard County Commissioner
Bruce Parker.....Planning & Development Services, LLC
Brian Pugh Magnum Environmental Manager
Adam Richins..... Magnum Safety Manager
Tiffany James Magnum Project Development Manager
Lucas Stevens Signature Real Estate
Steve Maxfield Millard County Resident
Joshua Tolley..... Millard County Resident
David Hatton Millard County Resident
TJ Lovato Kanosh Resident
Theodore Recupero Millard County Resident
Scott Blackburn..... Millard County Resident
Dan Neville Millard County Resident
Bill Barrett Chronicle Progress
Dean Draper Chronicle Progress
Clark Mortensen Millard County Resident
Kris Ewert Millard County Resident
Pete Ewert Millard County Resident
Jack Johnson..... Millard County Resident
Todd Macfarlane Millard County Resident

1. Welcome, Call to Order

Planning Commission Chairman Gordon Chatland called the meeting to order at 6:01p.m. He welcomed all present.

2. **APPROVAL OF MINUTES** – November 5, 2104

The proposed minutes of the regular Planning Commission meeting held November 5, 2014, were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for November 5, 2014, as corrected. Planning Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE RECOMMENDATION on C-2 Conditional Use Permit APPLICATION #Z-2014-043** for a natural gas liquids (NGLs) storage facility on property located at the intersection of Brush Highway & Jones Road, approximately 10 miles north of Delta. Magnum NGLs, LLC- Applicant. Utah State School and Institutional Trust Land Administration (SITLA) Owner 702.24 acres.

Tiffany James approached the Commission and discussed the C-2 conditional use permit application for Magnum NGLs, LLC. Millard County Planner Sheryl Dekker stated there were no public comments from any surrounding land owners. Tiffany James stated that also present with her is Brian Pugh (Magnum Environmental Manager) and Adam Richins (Magnum NGLs Safety Manager).

Tiffany James stated that Magnum NGLs is its own operating facility with its own ownership. Magnum Development is still the Parent company but they are two separate operating facilities. She then stated that Magnum is not changing any of the conditions that have been previously approved for the natural gas storage. Magnum NGLs is just wanting to change the boundaries of their previous C-2 conditional use permit. Tiffany James showed the Commission some maps which displayed areas separating the NGLs Storage Caverns and other property facilities.

Planning Commissioner Joyce Barney asked if the rail facility was part of the last conditional use permit. Tiffany James stated that it was under the original permit that was issued. Tiffany James stated that the property owner for this C.U.P. is actually Magnum NGLs LLC and they are leasing the land from School and Institutional Trust Lands Administration (SITLA). Magnum Holdings is the parent company.

Tiffany James stated that all the permits that are listed in the application should state that they are all approved. Tiffany James then stated that Magnum is just waiting for Fish and Wildlife to approve a migratory bird permit that is still pending. She then stated that this pending permit has nothing to do with the operation of the facilities.

Planning Commissioner Joyce Barney asked if the permit from Utah department of Transportation was for rail and truck transportation. Tiffany James confirmed

that the permit was for both. Planning Commissioner Joyce Barney then asked if Magnum has had an agreement with Millard County on the road usage. Tiffany James stated with their original conditional use permit they had a road usage agreement with Millard County. She then stated that all the roads that the trucks will be driving on are State roads. They are only using Hwy 6 and SR 15. Planning Commissioner Gary Walker stated that the Jones road has a weight limit restriction. Magnum will be required to obey the weight limit restriction on all road that pertain to their project.

Planning Commissioner Joyce Barney asked about the bonds listed in the conditions. Tiffany James stated that they have all their bonds posted to ensure full reclamation of the property.

Planning Commissioner Joyce Barney asked if there is a penalty if Magnum becomes non-compliant to the conditional use permits. Millard County Commissioner Daron Smith verified that there would be a penalty if they became non-compliant. It would be up to the Millard County Attorney and Millard County Commissioners to set up the fee and proceed with the process.

Planning Commissioner Brent Blake arrived at the meeting at 6:29pm.

Planning Commissioner Joyce Barney asked how the valuation was determined. Tiffany James stated that it was centrally assessed by the State Tax Commission. Millard County Commissioner Daron Smith stated that the state would do an assessment every year.

Tiffany James discussed the safety and rules of OSHA and stated Magnum is monitored by OSHA on a regular basis. They also have a safety compliance manager working on site. Bruce Parker Planning Development Services LLC stated that the emergency teams are very familiar with the Magnum facility. Tiffany James also stated that Magnum has an emergency shutdown procedure and they have worked with the fire department and ambulance for an emergency plan. She then verified that the fire department can pull water from the 2 water wells that are rated at 2500 gallons per minute.

Planning Commissioner Greg Greathouse stated that he understands that the brine ponds are designed with 3 feet of freeboard. Tiffany James verified that they are operating with a 4 foot freeboard as an additional safety measure. Planning Commissioner Greg Greathouse then asked if they do any other monitoring to make sure that it doesn't settle any deeper. Tiffany James stated that they do monitor this brine pond regularly to make sure that it doesn't settle any deeper than 3 feet.

Planning Commissioner Greg Greathouse asked Bruce Parker if the commission approves Magnum's conditional use permit will the county commission be in

effect giving them approval of their emergency plan. Bruce Parker stated the Board of County Commissioners will be the ones to approve the emergency plan. Planning Commissioner Greg Greathouse stated that he would recommend that Magnum monitor a minimum of 3 feet of the free board of the brine pond. He also recommended that Magnum needs to change their emergency plan so it doesn't restrict information given out by employees. He also recommends giving Magnum a minimum amount for insurance so later on they can't reduce it to a lower amount.

Planning Commissioner David Sturlin arrived at the meeting at 6:45pm.

Planning Commissioner Greg Greathouse stated that the conditional use permit needs to indicate the levels of insurance coverage. Planning Commissioner Joyce Barney asked Millard County Planner Sheryl Dekker if there has been any comments about this application. Millard County Planner Sheryl Dekker confirmed that there have not been any comments.

Planning Commissioner Joyce Barney recommends that the conditional use permit name needs to be Magnum NGLs LLC as the grantee.

Planning Commissioner Greg Greathouse made a MOTION to give a favorable recommendation to the BOCC for the C-2 Conditional Use Permit with the provisions of a few conditions that have been mentioned such as, monitoring to maintain a minimum of 3 feet of free board space on the brine pond, Insurance amount, and changing the emergency plan to remove restriction on employees providing information, the name on the permit needs to read Magnum NGLs LLC. Planning Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE RECOMMENDATION to Board of Millard County Commissioners Regarding Proposed Amendments to the Millard County Code- Title 10, Chapter 23 – Enforcement** to provide for corrections, errors and oversights in the existing ordinance that was adopted in December, 2012 with an effective date of January 1, 2013. Millard County – Applicant. Application #Z-2014-034. Tabled from the November 5, 2014 meeting.

Planning Commission Chairman Gordon Chatland stated the Commission is ready to review and make a possible recommendation for the amendments to the Land Use Code – Title 10, Chapter 23. He then stated that we are not accepting any public comments tonight. He then verified that the public hearing for this amendment to receive written comments was held on November 5th 2014 and was left open for seven days. He then stated that there was one written comment about the amendments.

Jack Johnson made a comment stating that he received an email from Millard County Planner Sheryl Dekker stating that the hearing was tabled to this

meeting. Millard County Planner Sheryl Dekker stated that the Commission's decision to make a recommendation to Board of County Commissioners was the only thing tabled to this meeting. But the public hearing was closed on Nov 12, 2014 at 5:00 pm. Millard County Planner Sheryl Dekker stated that the public will have an opportunity to be present when the BOCC holds a public hearing on these amendments before they are approved, amended, or denied.

Planning Commissioner Chairman Gordon Chatland stated that the commission will be making a decision tonight as to making a favorable or unfavorable recommendation to the BOCC. Todd Macfarlane asked if he could see the minutes from the public hearing. Millard County Planner Sheryl Dekker stated that the approved minutes will be available within three days of this meeting.

Planning Commissioner Chairman Gordon Chatland stated that Mr. Macfarlane could go the BOCC for their public hearing if he would like to further discuss these amendments. There was some more disruption in the meeting. Planning Commissioner Chairman Gordon Chatland requested that law enforcement be contacted. Millard County Planner Sheryl Dekker contacted the Sheriff's Office as requested.

Planning Commissioner Chairman Gordon Chatland asked Bruce Parker if anything has been changed in the draft since the last meeting, or if these are ready to be given to the BOCC. Bruce Parker then stated that there were some comments at the last planning commission meeting about some of the wording. He then verified that those changes have been made in this draft. Bruce Parker then stated that everything that has been changed was from the discussion of last month's meeting. Bruce Parker stated that these enforcements are now in a format that the Commission discussed previously. He then stated that these enforcements are ready to give a favorable or unfavorable recommendation to the BOCC.

Planning Commissioner Gary Walker asked if there has been any review as to whether this code is more or less restricted than the International Building Code (IBC), which has also been adopted by the county. Bruce Parker then verified that this code is consistent with the IBC codes, and they support each other. Planning Commissioner Molly Stevens asked for some clarification on pg. 3 line 2 of section 10-23-7 as to the time frame. She then stated that on line 4 it does not clarify the time period. Bruce Parker stated that the time frame would be 30 days. Planning Commissioner Greg Greathouse stated that we could extend the time period under certain conditions. Millard County Planner Joyce Barney also asked who the land use authority would be. Bruce Parker verified that the authorities are defined in the appendix of the ordinance.

10-25-1 2. Land Use Authorities: The land use authority for all P-1 uses is the county planner/zoning administrator. The land use authority for all P-2 uses is the commission. The land use authority for all C-2 uses it the BOCC.

The Commission addressed the written comments that have been emailed to Millard County Planner Sheryl Dekker. Bruce Parker stated that Millard County Attorney has also reviewed these comments. Bruce Parker then stated that Millard County Attorney Richard Waddingham is comfortable with the new language.

Planning Commissioner Gary Walker made MOTION to make a favorable recommendation to the Board of County Commissioners for the amendments made to Millard County Code – Title 10, Chapter 23 - Enforcement. Planning Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

5. OTHER BUSINESS

Bruce Parker gave an update to the Commission about the Trans West Express project.

Chairman Gordon Chatland stated that the permit for application #Z-2014-041 for a temporary dwelling for Edward & Shonna Payne was withdrawn by the applicants

Millard County Planner Sheryl Dekker stated that Planning Commissioner Gordon Chatland and Planning Commissioner Brent Blake have successfully filed their terms on the Planning Commission board. She then verified that their terms will expire on January 1st 2015. Planning Commissioner Joyce Barney stated on behalf of the Planning Commission we thank them and expressed appreciation for their time on the board. Millard County Commissioner Daron Smith also stated that he appreciates their time spent on the Planning Commission Board.

Millard County Commissioner Daron Smith reported that the BOCC approved the minor subdivision for application #Z-2014-042 for Gibson & Shiloh Lewis.

Planning Commissioner Joyce Barney stated on behalf of the Planning Commission we would also like to thank Millard County Commissioner Daron Smith and Millard County Attorney Richard Waddingham for all their time and effort that they have put into the Planning and Zoning of Millard County.

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

7. ADJOURNMENT

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 7:15 pm.

Dated this 7th day of January 2014
David Sturlin, Vice Chairman
Millard County Planning Commission