

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
January 7, 2015**

The Millard County Planning Commission met on Wednesday January 7, 2015 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce BarneyPlanning Commissioner
Gary Walker Planning Commission Vice Chairman
Molly StevensPlanning Commissioner
David Sturlin Planning Commission Chairman
Greg GreathousePlanning Commissioner
Tom NielsonPlanning Commissioner

EXCUSED: Sheryl Dekker Millard County Planner
Jodi RobisonPlanning Commissioner
Pat Finlinson Millard County Attorney

ALSO PRESENT:

Angi Meinhardt..... Secretary
Alan Roper.....Millard County Commissioner
Ros Vrba Manager for Energy of Utah
Guy Little Millard County Resident
Liz Little..... Millard County Resident
Nathan Selin Central Utah Health Department
Curtis Ludvigson Rural Water Association of Utah
John Chartier DEQ District Engineer

1. Welcome, Call to Order

Planning Commission Vice-Chairman David Sturlin called the meeting to order at 7:04p.m. He welcomed all present.

2. WELCOME TWO NEW PLANNING COMMISSIONERS – Tom Nielson and Jodi Robison

Planning Commission Vice Chairman David Sturlin welcomed the new Commissioner Tom Nielson. Planning Commissioner Jodi Robison was excused from the meeting.

3. APPOINTMENT OF CHAIR AND VICE CHAIR – The Commission, at its first regular meeting in January of each year, shall select a Chair and Vice Chair who may be elected to succeed themselves for one additional term only.

Planning Commissioner Greg Greathouse made a MOTION to appoint Planning Commissioner David Sturlin as Planning Commission Chairman, and Planning Commissioner Gary Walker as Planning Commission Vice Chairman. Planning Commissioner Joyce Barney SECONDED the motion. Planning Commissioner David Sturlin asked if there was any discussion on this motion. Planning Commissioner Gary Walker would like to amend the motion and appoint Greg Greathouse as Planning Commission Vice Chairman. Planning Commissioner Greg Greathouse stated he would rather not be the Vice Chairman due to conflict of interest at times. The amended Motion failed due to lack of a Second. Planning Commissioner David Sturlin stated the original Motion. Both Planning Commissioners accepted. The nomination was unanimous in the affirmative.

4. APPROVAL OF MINUTES – December 3, 2014

The proposed minutes of the regular Planning Commission meeting held December 3, 2014, were presented for consideration and approval. Following review and consideration of minor corrections Planning Commission Vice Chairman Gary Walker made a MOTION to approve the minutes for December 3, 2014, as corrected. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE APPROVAL OF C-1 CONDITIONAL USE PERMIT APPLICATION # Z-2014-047 for an Electric Transmission Right of Way (minor) for Property Located 3 (three) Miles South of IPP along East Side of Jones Road. Intermountain Solar Plant, LLC (Energy of Utah – Applicant. Millard County - owner of right of way.)

Planning Commission Chairman David Sturlin asked if there was someone from Energy of Utah to present this application. Ros Vrba from Energy of Utah approached the Commission. He stated that Energy of Utah is seeking County approval for a right of way for a minor transmission line from a proposed 50 MW Solar Plant along the east side of the Jones Road for approximately 15,000 feet to tie into the IPP lines to deliver electricity to potential customers.

Planning Commissioner Greg Greathouse asked Ros Vrba if it is just going to be transmission lines going through the right of way (ROW). Ros Vrba stated they will be putting the transmission line to the outside edge of the ROW as far as possible. Planning Commission Gary Walker verified that it will be a single pole transmission line. Commissioner Greathouse stated that there is grazing near the ROW.

Commissioner Sturlin asked Ros Vrba if there was any conditions that are objectionable to Energy of Utah. Ros Vrba stated that all those conditions and restrictions are standard to Energy of Utah so there is no objection to these proposed conditions.

Commissioner Greathouse asked the applicant if Energy of Utah is aware of any contracts or agreements from investors to purchase or obtain power from Energy of Utah at this time. Ros Vrba stated that there are no confirmed investors at this time.

Commissioner Greathouse asked if there is a time frame for pursuing construction. Ros Vrba stated that they are hoping for a 3 year allowance to begin construction and Energy of Utah can come back for an extension after the three year period if needed. He then stated Energy of Utah will come back for an update once they get a power purchase agreement. Planning Commissioner Joyce Barney asked for a 1 year time limit on the permit along with updates. Commissioner Walker suggested that the Commission could have the C-1 permit approved but not in affect. This will allow Energy of Utah to obtain power purchase agreements from their investors such as California municipalities. Planning Commissioner Molly Stevens stated the permit should have a time limit to be complete. Planning Commissioner Tom Nielson suggested to put a 3 year time limit on the C-1 permit along with updates.

Commissioner Barney asked about emergency services during the construction period. Ros Vrba stated that Millard County Planner Sheryl Dekker has put the requirements for an emergency plan in the staff report.

Planning Commissioner Vice-Chairman Gary Walker made a MOTION to approve the C-1 Conditional Use Permit for application #Z-2014-047 for an electric transmission right of way for property located three miles south of IPP along the east side of Jones Road, based on the requirements in the General Plan and Land Use Ordinance. This approval is conditional on the realization of the project and to this conditional use permit going into effect January 7th 2015 and has a 3 year window. It would require termination or reapplication at the end of the 3 year period if a building permit has not been issued and construction commenced. This permit must meet the conditions that have been listed in the staff report that was provided by the county planner. Planning Commissioner Tom Nielson SECONDED the motion. The voting was anonymous in the affirmative. Approval date of January 7, 2015.

6. JOHN CHARTIER, DEQ District Engineer – Proposed Non Public Water Systems

Present with John Chartier were Nathan Selin (Environmental Director) and Curtis Ludvigson (Rural Water Association of Utah). John Chartier showed the Commission a power point presentation on Planning for and Regulating Non-Public Water Systems. He addressed a few things on small developments with central Water systems constructed to minimal or no design standards. He stated that this is in draft form only and not approved by the Central Utah Public Health department. Planning Commission Chairman David Sturlin asked John Chartier what the approval process was. John Chartier stated that he is going to Planning

and Zoning meetings, along with County Commission meetings that are within the six county association of governments, to explain their recommendations and get their suggestions and inputs. He then has to present the Non-public Rule to the Board of Health. The Board of Health will be the final Board to give an approval.

John Chartier proposed a nonpublic rule for The Central Utah District. He briefly went over the Requirements for 1-3 connections. John Chartier stated that as part of this system they would like to have records of 6 different tests that they can give to the water rights owners, such as nitrate, arsenic, sulfate, total dissolved solids (TDS), turbidity, and bacteriologic. Commissioner Greathouse stated to disregard arsenic testing because the people of this county don't ever use those test results. Commissioner Greathouse also stated that he would like to see this county get away from the 1-3 connections. John Chartier stated that these are just guidelines, not requirements, and they will be able to give out the quality of the water that the system is providing. Commissioner Greathouse stated that the county could have these tests available for the owner of the water rights but should not be mandatory. Commissioner Barney stated that if the owners of the water rights have a concern with the water quality then they should be the ones to take action.

Commissioner Stevens asked John Chartier when the owners would be required to meet the standards of these tests. John Chartier stated that these tests would just be a reference point. There was some more discussion on the requirements for 1-3 connects. John Chartier stated that maybe these requirements for testing are not a good fit for this county. Commissioner Greathouse suggested to have the water testing as a requirement on the building permit along with how many connections will be on the same system.

Commissioner Stevens asked if the test results would be the same if the Health Department did all the tests then waited about five years and repeated the tests. John Chartier stated that most of the results will be about the same. The ones that will change the most is going to be the bacteriologic. The Health Department is just looking for a way to know if the water systems have any contaminations up front.

John Chartier stated that this reference is just something that the land use ordinance, and subdivision ordinance could simply refer to. The building permit check list could refer to this rule also. Commissioner Walker asked why the county should be willing to have more than one connection on a well. John Chartier stated that when it does happen within the 6 county area it will just be to the counties advantage to have a guideline to refer to.

There was some discussion on shared wells about how to handle the bill and/or the payments. John Chartier stated that the owners would have to live up to the proposed rules. Those rules should include guidance for managing shared well

agreements. These will list ways to avoid home owners getting their water or power bill shut off due to a shared well situation. John Chartier then stated that if the county does go with one well for one home then this will not apply to the county. Commissioner Greathouse stated that he agrees with Commissioner Walker except for one exception as to if the well owners come to an agreement to share a well they need to come to the Planning Commission and do a well agreement. Curtis Ludvigson stated that all the things that John Chartier has proposed tonight will help with these problems.

John Chartier stated that there are two different kinds of buffer zones. He then stated there is a grouted well of 100 ft. radius buffer zone or an un-grouted well of 200 ft. radius buffer zone. There is also a new source buffer zone for spring sources. John Chartier stated that the health department does not see spring source water systems to much, but they have included these system requirements in these proposed rules.

John Chartier then discussed a sample shared source agreement. He stated that the agreement for a shared water source has to be notarized and recorded with the county.

John Chartier shared the proposed requirements for a 4-7 connection. He stated that the requirements for 4 to 7 connections are the same requirements as the 1-3 connection systems. The 4-7 connections would also have to have an engineered drawing meeting minimum construction standards as defined in the non- public rule. They would also have to follow the water storage requirements as well as distribution system requirements. The health department would leave it up to the local fire department authority to come and give the approval of no fire hydrant and/or lack of water storage. There was some more discussion on the 4-7 requirements along with the fire flow.

John Chartier talked about enforcements on the non- public water system rules. He stated that the enforcements will be the responsibility of the local Health Department along with the building department, and planning & zoning department.

John Chartier stated that the Health Department would like to add to the rules.
– A platted subdivision or other contiguous development, under the same ownership or control, is considered to have the corresponding number of connections as there are lots.

John Chartier discussed the grandfather clause. He stated that any non-public water system existing prior to the enactment of the rule is excluded from the rule, except for any system with 3 or fewer connections that grows to 4 or more connections. Those systems will be subject to the new rule.

John Chartier discussed having approved nonpublic water systems. He stated that lending institutions & Real Estate companies are always calling the health department for verification on approval of the water systems. John Chartier stated that the health department does not have any record at this time of approval. He then stated that this rule will help with that concern. Nathen Selin approached the Commission and discussed how this new approval of the non-public water systems will help with the requirements from the lending institution and real estate companies along with the counties.

John Chartier discussed the non-public water system rule. He stated that this rule is to protect the homeowners. It also provides basic design and construction standards. It also saves money by constructing better quality systems from the beginning.

John Chartier stated that he appreciates all the comments. He then stated he is going around to the 6 counties for more input on the rules and regulations discuss the proposed rules.

Planning Commissioner Molly Stevens asked what the buffer zone requirements are now. Nathen Selin replied by stating that onsite buffer zone requirements for a septic system its 100 feet from the well. Nathen Selin stated he will check on the existing buffer zone requirements.

Mr. Chartier stated that there is some leeway built into these rules for regulating non-public water systems. Curtis Ludvigson stated that these requirements are not going to fix every situation but they will be a big help to all the counties to better regulate water systems. Curtis Ludvigson then stated that another option would be to consolidate them in to a community system.

Planning Commission Chairman David Sturlin thanked each of them for coming and talking to the Commission.

7. BRUCE PARKER – Possible Amendment of Major Utility Corridors Map

Planning Commission Chairman David Sturlin tabled this discussion to the next meeting as Mr. Parker was not present.

8. OTHER BUSINESS

Guy Little approached the board and stated that the well issue that this commission just discussed is very important to him along with many other people within the county. He recommends that we turn these requirements in to a guide book so that property owners could have some sort of reference for the requirements that water source owners can regulate. Guy Little stated that we should keep this in the hands of the water system owners and not in the hands of the regulator. Commissioner Nielson suggested that we could give the water

source owners a guide on the regulations when they come to the Commission for a permit. Commissioner Walker stated that the county residents are usually not the problem, it's the outside developers that need the assistance.

Commissioner Stevens asked for an update from the last Millard County Commission meeting. Millard County Commissioner Alan Roper stated that the Millard County Commissioners did not pass the proposed amendments on Title 10, Chapter 23-Enforcements. The Millard County Commissioners felt that the amendments need a few adjustments before they could be approved. The Millard County Commissioners had some concern with 10-23-3 a). Millard County Commissioner Alan Roper then stated that there was a motion made to table the enforcements. Commissioner Walker stated that there is a provision in the very front of the international building code which is in affect and adopted by Millard County and it is an enforcement provision that uses almost that identical language. So even if these enforcements don't pass the building code is still in affect with almost that identical rule. Millard County Commissioner Alan Roper stated that it is on the next agenda which is in two weeks. Commissioner Walker stated that the codes should support each other.

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

10. ADJOURNMENT

Planning Commissioner Greg Greathouse made a MOTION to adjourn. Planning Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:45 pm.

Dated this 7th day of January, 2015
David Sturlin, Chairman
Millard County Planning Commission