

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 7th, 2018**

The Millard County Planning Commission met on Wednesday March 7th, 2018 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commission Vice Chairman Commissioner
Molly Stevens Planning Commissioner
Tom Nielson..... Planning Commissioner
Demar Iverson Planning Commissioner
Matthew Kesler Planning Commissioner

EXCUSED: Greg Greathouse Planning Commission

ALSO PRESENT:

Adam Richins..... Planning and Zoning Administrator
Dean Draper Millard County Commissioner
Angi Meinhardt..... Secretary
Scott Barney MEDA
Richard Waddingham Millard County Deputy Attorney
William Lowery..... Applicant
Wendy Lowery Applicant
Sherri Callister Millard County Resident
Tracy A Thompson Millard County Resident
Dale Turner..... Millard County Resident
Barb Clark Millard County Chronical Progress
Tiffany James Magnum
Steve Snelgrove Magnum

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 Commission Chairman David Sturlin called the meeting to order at 6:41 pm. He welcomed all present.

2. PUBLIC INPUT

3. REVIEW and POSSIBLE RECOMMENDATION – Application # Z-2017-032 for an amendment to existing C-2 Conditional Use Permit Large Scale Project # Z-2010-008

Tiffany James with Magnum approached the Commission. She stated they are wanting to amend the C-2 CUP application Z-2010-008 for the purpose of revising the facilities layout, to accommodate constructed facilities, updating the expiration date to reflect the construction of the Magnum NGLs storage project, and to standardize the language of the CUP to be consistent with the Magnum NGLs CUP.

There was discussion of previous permits and application from Magnum. Tiffany James stated this is just to be consistent with the previous conditions. Attorney Richard Waddingham stated there was a conditional use permit in 2010. He is asking why some conditions are not being adopted that are on previous CUPs. Tiffany James stated that the conditions are all recorded at the Recorder's Office, and anyone can see the conditions there. Tiffany James stated these conditions are conditions from FERC (Federal Energy Regulatory Commission).

Attorney Richard Waddingham stated there was previous discussion of a third party reviewing the language on these. He asked if Magnum is still willing to pay for the third party as he has some questions. Tiffany James stated for this particular amendment she does not see that it is appropriate to pay for a third party, but on the zone change Magnum is willing to pay for a third party to help with the language etcetera. Tiffany James stated she would like to see the scope of the study. After the study they can have a collaborative discussion.

There was discussion of why this was tabled from the last meeting. There was discussion that the County Attorney was not at the last meeting. There was discussion if the Commission should get legal counsel to review application before it is recommended to the BOCC.

There was discussion that the Z-2010-008 conditions were referenced in the 2014 condition, and with this amendment the 2014 conditions will mirror these amended conditions.

Steve Snelgrove with Magnum approached the Commission. He stated this application is just changing the level of form. There is more detail in this plan than in the original plan.

Planner Adam Richins verified on the other application, that Magnum agrees to have cost recovery for a third party review. Tiffany James stated she would just like to see the scope of the review so she knows what they are paying for.

Commissioner David Sturlin stated there are 2 courses of action, table and review again or recommend with condition that it has to satisfy Millard County Attorney review.

Commissioner Tom Nielson made a MOTION to send application Z-2017-032 with a favorable recommendation to the BOCC subject to review with the Millard County Attorneys approval. Commissioner Demar Iverson SECONDED the motion. Voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION – for Application # Z-2017-033 for an Electrical Generating Facility C-2 Conditional Use Permit for the construction and operation of the proposed Magnum Compressed Air Energy Storage (CAES) Project. Magnum CAES, LLC—Applicant

Tiffany James stated that they have done presentations previously for this facility. She gave an overview of the facility. The Magnum CAES company is based off this technology called compressed air energy storage. They store this air in underground caverns that have already been approved. This air can then be released during high demand to produce power for regional markets via the existing high voltage power line system. There was more description of the proposed project.

Planner Adam Richins stated at the time this application was received Compressed air storage was not included in our ordinance. Planner Adam Richins stated until we have this ordinance he does not see that we can send a recommendation as we do not have jurisdiction yet.

Planner Adam Richins stated that previously there was a recommendation to allow solar in to HI. It has been evolving for the BOCC with many discussions. Planner Adam Richins shared a status update on allowing solar in Magnums project. There was discussion on some of the amended ordinance that would match some intent that Magnum has. There will be more of an update at a later time.

Commissioner Draper would like to add that on the East end of the County there are places that could be used for HI, wind and solar.

Planner Adam Richins stated SITLA is not obligated to follow our zoning ordinance, but they usually make an effort to be consistent.

Commissioner David Sturlin stated that this agenda item cannot move forward until there are proper definitions in place.

Commissioner Joyce Barney made a MOTION to table application Z-2017-033. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

5. **PUBLIC HEARING** for Application # Z-2018-001 on a zone change from Agriculture 20 to Agriculture. Wendy Lowery—Applicant.

Commissioner Tom Nielson made a MOTION to open public hearing for Z-2018-001. Commissioner Matt Kesler SECONDED the motion. Voting was unanimous in the affirmative. Public hearing opened at 7:48 pm.

Applicant Wendy Walker Lowery approached the Commission. Applicant's mother owns part of the property and when she passes it has to be split 5 ways. She just wants to take a small piece to build a home on.

Commissioner David Sturlin stated once rezoned from AG20 to AG regardless if a home is built, anything that is in the Ag table is allowed on this parcel.

Commissioner Molly Stevens made a MOTION to close the public hearing for application Z-2018-001. Commissioner Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

6. **REVIEW and POSSIBLE RECOMMENDATION** – Application # Z-2018-001 on a zone change from Agriculture 20 (AG 20) to Agriculture (Agriculture) for property located at approximately 2 miles north of Abraham. Wendy Lowery—Applicant.

Commissioner Molly Stevens asked if any of the surrounding property owners have contacted the Planner. Planner Adam Richins stated he has had no contact with surrounding property owners.

Commissioner Joyce Barney made a MOTION to send a favorable recommendation to the BOCC on application Z-2018-001. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

7. **PLANNING and ZONING ADMINISTRATOR'S REPORT**

8. **OTHER BUSINESS**

Attorney Richard Waddingham requested an amendment to the approved January 3rd, 2018 minutes.

Commissioner Joyce Barney made a MOTION to amend the minutes from the January 3rd meeting per reference of Attorney Richard Waddingham input. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

9. **APPROVAL OF MINUTES** – January 31, 2018 Work Session, January 31, 2018 Regular Meeting.

The proposed minutes of the work session held January 31st, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Tom Nielson made a MOTION to approve the minutes for January 31st, 2018 work session as corrected. Commissioner Matthew Kesler SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the regular Commission meeting held January 31st, 2018 were presented for consideration and approval. Following review and consideration of minor corrections, Commissioner Demar Iverson made a MOTION to approve the minutes for January 31st, 2018 as corrected. Commissioner Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative.

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

11. ADJOURNMENT

Commissioner Joyce Barney made a MOTION to adjourn. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ____ day of _____ 2018
David Sturlin, Chairman
Millard County Planning Commission