

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 04, 2023**

The Millard County Planning Commission met on Wednesday October 04, 2023, at 6:30pm at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Joyce Barney Planning Commission Vice Chairman
John Nye.....Planning Commissioner
Erin SorensonPlanning Commissioner
Phil MorrisonPlanning Commissioner
Peter GreathousePlanning Commissioner

EXCUSED: David Sturlin Planning Commission Chairman
DeMar IversonPlanning Commissioner

ALSO PRESENT:

Adam Richins..... Millard County Planner
Mallori Wood Secretary
Denton Peterson Deputy County Attorney
Trevor Johnson Millard County Commissioner
Matt Ward Millard County Chronicle Progress
Shane Church..... On Behalf of Ares Strategic Mining
Justin Anderson Sawtooth/Ares
Nancy Smith TWE
Susan Fernandez Aces Delta
Erin Bibeau 174 Power Global/Intermountain Solar Power
Stephanie Lauer 174 Power Global via telephone
Patrick Shim..... 174 Power Global via telephone
Samantha Marta 174 Power Global via telephone
Rajesh Goriparthi..... 174 Power Global via telephone
Trystin Sampson Applicant
Dylan Sampson Applicant
Jed Christensen..... Applicant
Thayne Christensen..... Applicant

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 – Vice Chairman Joyce Barney called the meeting to order at 6:39 pm. She welcomed all present.

2. PUBLIC INPUT – There wasn't any public input.

3. REVIEW and POSSIBLE APPROVAL—Application # Z-2023-059 for a Non-Plat Subdivision located at approximately 2570 W 4250 S Delta. Dylan Sampson, Applicant

Commissioner Peter Greathouse made a MOTION to move this item to #3 on the agenda. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Applicant Dylan Sampson approached the commission and gave a description of his application.

Planner Adam Richins explained to all present the reason his application needed to be brought in front of the Planning Commission.

There was discussion about an existing canal on the property.

Deseret/Oasis has already put in the water meter and have committed to providing water to the property.

Commissioner Peter Greathouse made a MOTION to approve application Z-2023-059 As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

4. PUBLIC HEARING – C-2 Conditional Use Permit Application #Z-2023-2054 for Industrial/Manufacturing Activity (General) at approximately 1365 N HWY 6, Delta - Ares Strategic Mining Inc., Owner

Commissioner Peter Greathouse made a MOTION to open the public hearing. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

Shane Church approached the commission on behalf of Ares Strategic Mining.

Commissioner Erin Sorenson made a MOTION to close the Public Hearing. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE RECOMMENDATION – C-2 Conditional Use Permit Application #Z-2023-054 for Industrial/Manufacturing Activity (General) at approximately 1365 N HWY 6, Delta

Shane Church clarified that the project will not interfere with the maintenance of existing power lines.

There was discussion about dust mitigation.

Shane Church stated that the water being used isn't consumed. It will recycle down through the system and then pump it back through to be reused.

There was discussion about how much product will be stored on the property at any one time.

There was discussion about where the product will be shipped and how the product will be used.

Commissioner Joyce Barney went through the application.

Planner Adam Richins stated that the fire requirements are generally in the building permit application process.

Shane Church stated that the original use for water in that area was originally based on cheese and that the applicant will be going through the state water engineer to see what changes might need to be made to the existing well.

The applicant will be restricted to whatever UDOT allows them to do. The applicant has contacted them but Planner Adam Richins is unaware of any restrictions from them on that location.

Commissioner John Nye made a MOTION to send a favorable recommendation on application #Z-2023-2054 to the Millard County Commission As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3.

RECOMMENDATION

1. Recommend the C-2 Conditional Use Permit for Industrial/manufacturing activity (general) be approved with reasonable conditions.
2. Basis for Issuance of a Conditional Use Permit:

- a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses. **Yes**
- b) The proposed use is allowed within the Zoning District as identified in Chapter 8. **Yes**
- c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable. **Yes**
- d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations. **Yes**
- e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties. **Yes**
- f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations. **Yes**
- g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required. **Yes**
- h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-04, 12-4-2012) **Yes**

3. Approve the Permit with the following reasonable conditions:

1. Federal and State Permitting Requirements. Uses within the designated project area shall comply with applicable Federal and/or State Permits and Licenses for the construction and operation of any such facilities. Nothing in this permit shall be deemed to authorize any public or private nuisance or to constitute a waiver or exception to any law, ordinance, or rule, except to the extent that it authorizes the use of the subject premises in the manner authorized herein.

2. Plans to be on File. Prior to commencing construction or operation, Developer shall provide to the Office of the County Planner copies of all plans submitted to Local, State or Federal Agencies in connection with obtaining approval of the project.

3. Local Agency Plans. Prior to commencing construction, Developer shall provide plans for:

3.1. Public Safety and Emergency Response. The Millard County Sheriff's Office, the Delta City Fire Department, Utah State Fire Marshal's Office, and the Local Emergency Planning Committee must review and approve these Plans.

3.2. Fire Management. This plan must be developed in consultation with Federal, State, and Local agencies, as applicable. Such Plan shall be approved by the County Fire District and shall be provided to the Fire District prior to the issuance of a Building Permit and to remain on file in the Office of the County Planner and the County Fire Marshall.

3.3. Traffic Management. A Traffic Management Plan for all County roads and streets and Municipal streets used or impacted during construction and operation is provided to the County Planner prior to the issuance of a Building Permit.

3.4. Fugitive Dust Control.

3.5. Storm Water Control.

3.6. Hazardous Materials Management.

3.7. Construction Waste & Human Waste Management

3.8. Site Reclamation, Decommissioning, and Abandonment. A Site Reclamation, Decommissioning, and Abandonment Plan for facilities located on private land be provided and reviewed and revised, as necessary, by the County Attorney and approved by the BOCC. This Plan shall include an estimate of the cost of site reclamation, decommissioning, and abandonment including any scrap value offsets. Developer shall post a bond, or other acceptable surety, with a value equal to the costs of site reclamation, decommissioning, and abandonment of the project running to the County, and all other performance guarantees, as determined necessary by the County Attorney, and approved by the BOCC for the entire life of the project. Developer shall provide evidence to the County of any site reclamation, decommissioning, and abandonment bonding or other surety and guarantees required by any Federal or State agency prior to the issuance of a Building Permit.

4. Required Reporting to be on File. Required reporting submitted to any Local, State or Federal Agencies during the life of the project shall be provided to the Office of the County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the Facility. Developer shall provide notice to the BOCC, County Attorney, County Planner, and County Representative of any non-compliance along with the corrective actions required by the governmental agencies regulating the construction and operation of the project.

5. Final Studies and Documents to be on File. Prior to construction or operation, Developer shall provide to the Office of the County Planner documentation that

Developer is in compliance with applicable Federal or State Agency requirements relating to the construction and operation of the project. Upon completion of construction, as-built construction drawings and site plans shall be provided to the Office of the County Planner.

6. Independent Specialist Review. In reviewing application and reporting materials submitted by Developer under this Agreement, the County may engage an independent specialist, at the County's choosing, to review all reports, materials, and other correspondence filed with a governmental agency related to the construction, operation, and maintenance of the Project. Developer will provide cost recovery to the County for these reviews. The County will identify, treat, and protect these reports and any supporting documents as confidential business information, unless or until this information is deemed to be public information.

7. Building Permits. Developer shall apply for and comply with the requirements for the issuance of Building Permits, including payment of fees based on adopted fee schedules. Prior to the issuance of a Building Permit, Developer shall provide documentation to the Office of the County Planner that Developer has received the required Federal and State Permits and Licenses required for the construction and operation of the new facility.

8. Insurance. Developer shall provide a list of all project specific insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Developer shall provide updated lists from time to time as needed to reflect current changes in insurance coverage(s).

9. Warning Signage. Developer shall provide Facility warning signage of a size, design and location as required by applicable laws, ordinances, and regulations.

10. County Representative. The BOCC has the right to identify and designate an employee or elected official to act as the County Representative in all administrative matters required herein, and for the efficient administration of the CUP(s) and for coordination and communication with Developer and the various County Offices and Staff.

11. Pre-Construction Meeting. Prior to any construction occurring within the project area, the County shall have the option of holding a Pre-Construction meeting with necessary County Officials and Staff, Developer representatives and consultants, and representatives from the governmental agencies regulating the construction of the Facility, as determined necessary by the County representative and County Planner.

12. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use upon a finding that such modifications, amendments, and additions are necessary to

protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

13. Minor Facility Plan Changes. Minor Facility plan changes may be required for the project. To promote efficiency in the review and approval of minor facility plan modifications, the County Representative and County Planner are authorized to jointly review and approve or deny all minor facility plan modifications, provided any approved minor facility plan modification does not materially affect the intent and purposes of this Conditional Use Permit. The County Representative and County Planner may consult with the County Attorney in determining if proposed facility plan modifications may be determined to be a minor site plan change. A proposed facility plan change that is not determined to be minor facility plan modification by the County Representatives and County Planner shall be presented to the Planning Commission and BOCC as a Conditional Use Permit amendment, as provided for herein.

14. Amendments. All changes and modifications to this Conditional Use Permit, and not determined to be a minor facility plan modification, shall be considered by the Planning Commission and BOCC as an amendment to this Permit and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

15. Incorporation by Reference. All information, applications, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.

16. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by Developer and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.

17. Recordation. Upon the approval and execution this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, County representative, and Developer.

Commissioner Erin Sorenson **SECONDED** the motion. Voting was unanimous in the affirmative.

6. PUBLIC HEARING – C-2 Conditional Use Permit Application #Z-2023-006 for a Solar Energy System (Major) at approximately 7500 N Jones Road, Delta— Intermountain Solar Plant, LLC, Applicant.

Commissioner Peter Greathouse made a MOTION to open the Public Hearing. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

Justin Anderson approached the commission on behalf of Sawtooth. He stated that the only concern they would like to discuss is that the easement Intermountain Solar Plant LLC has with SITLA on the land that crosses the railroad tracks that feed Sawtooth doesn't hamper the service to Sawtooth. Sawtooth can't be down for more than a few hours.

Susan Fernandez with ACES Delta approached the commission. They are not opposed to the application but ask to be notified with any changes that may come up.

Commissioner Phil Morrison made a MOTION to close the public hearing. Commissioner Peter Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

7. REVIEW and POSSIBLE RECOMMENDATION – C-2 Conditional Use Permit Application #Z-2023-006 for a Solar Energy System (Major) at approximately 7500 N Jones Road, Delta

Erin Bibeau approached the commission on behalf of Inter Mountain Solar Plant LLC and presented a packet to the commission outlining her presentation.

Commissioner Erin Sorenson asked about ground erosion and stabilization in the area. Erin Bibeau stated that they will be grading during construction but will be replanting right away and there will be a vegetation management plan and stormwater management plan to go along with that.

There was discussion about how the panels will be disposed of after the project. One choice is to have them used again to produce electricity in smaller facilities that are building their own solar industry. The recycling industry for this type of project is still young but the materials in the panels is very valuable. Nothing will be disposed of within the Millard County Landfill without the agreement of the county.

There was discussion about the existing free-flowing wells out in that area. Erin Bibeau stated that they will be conducting surveys for wildlife, vegetation, wetlands and waterways out on the site.

Applicant indicates that BESS – (Battery Energy Storage Systems) will be used in their project. BESS is an energy storage system of lithium-ion batteries, This energy storage will be done inside steel containers for the project.

Commissioner Joyce Barney asked about providing training to the local emergency responders. Samantha Marta stated that they will be providing a fire training manual

relating to battery energy storage systems to the local fire department and they can also provide onsite training as well.

Rajesh Goriparthi stated there will be access to each container for emergency services when needed. Samantha stated that each container will have its own fire suppression system.

There was discussion about housing for employees.

The estimated life of the project is 40 years.

If the applicant needs an extension on construction they will need to go before the Millard County Commission and ask for an extension.

There was discussion about at what point they will obtain a power purchase agreement.

Commissioner Erin Sorenson made a MOTION to send a favorable recommendation to the Board of County Commissioners As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3.

Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Approve the C-2 Conditional Use Permit with reasonable conditions.
2. Basis for Issuance of a Conditional Use Permit:
 - a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.
 - b) The proposed use is allowed within the Zoning District as identified in Chapter 8.
 - c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.
 - d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.
 - e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-04, 12-4-2012)

3. Approve the Permit with the following reasonable conditions:

1. The Facility. The applicant shall provide an accurate map of the Facility depicting the surveyed site boundary and legal description.

2. Limited Approval. Conditional Use Permit #Z-2023-006 shall apply only to the property identified by the detailed legal description.

3. Permitting Requirements. All conditions and requirements of approval of all governmental permits, licenses, and/or orders required for the operation of the Facility, including, but not limited to, the plans and protocols referenced are hereby established as conditions of approval of Conditional Use Permit #Z-2023-006 and are incorporated herein by this reference as conditions of approval. Future modifications to these plans and protocols will be done in consultation with the County.

4. Notices and Reporting. Applicant shall provide a copy of all reports, materials, and other correspondence concerning the construction and operation of the Facility to the BOCC, County Attorney, and County Planner at the time such reports, materials, and other correspondence are provided to the governmental agencies regulating the Facility.

5. Public Safety and Emergency Response. Prior to construction and on an annual basis thereafter, Applicant shall consult with the County to establish and update detailed public safety, fire, and emergency medical response protocols for the Facility which shall be subject to approval by the County and such approval shall not be unreasonably withheld.

6. Road Maintenance Agreement. Prior to construction, a Road Maintenance Agreement be established between the County & the Applicant that addresses issues of possible County Road deterioration as a result of construction equipment used during construction. Such Agreement shall be reviewed and revised, as necessary, by the County Attorney and approved by the BOCC. This Agreement shall include provisions for adequate road maintenance and repair bonding for any road deterioration caused by construction, acceptable to the County Attorney, and all other performance guarantees

and guarantee periods, as determined necessary by the County Attorney, and approved by the BOCC.

7. Site Security Plan. Applicant shall develop a Site Security Plan and an Emergency Planning and Response Plan in consultation with the Millard County Sheriff's Office. This Plan shall address Facility security measures and County public safety communication protocols. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

8. Fire Prevention Program. Applicant shall develop a Fire Prevention Program in consultation with the appropriate Federal, State and Local agencies. This Plan shall outline fire prevention practices and fire related emergency management protocols. This Plan shall be discussed with representatives of the County and the County shall have the ability to comment on the provisions of the Plan. A copy of the Plan as approved by the applicable regulatory authority shall be provided to the Millard County Planner's office.

9. Facility Reclamation. Applicant post bonds to ensure full reclamation of the property, including removal of surface improvements, recontouring, and revegetation. Any disposal or decommission plan shall be agreed upon with Millard County.

10. Warning Signage. All necessary Facility warning signage of a size, design and locations as required for the construction and operation of the Facility by all applicable laws, ordinances, and regulations shall be provided.

11. Insurance. Applicant shall provide a list of all Applicant insurance coverage to the BOCC and Millard County Attorney, with such insurance coverage required to remain in place and valid until the Facility is abandoned. Applicant shall provide updated lists from time to time as needed to reflect changes in Applicant insurance coverage(s).

12. The County Planner and Applicant, communicating and coordinating together, shall have the obligation and responsibility to ensure that all conditions of Conditional Use Permit Z-2023-006 are met and complied with.

13. Necessary Conditional Use Permit Modifications. The BOCC reserves the right to initiate necessary modifications, amendments, and additions to this Conditional Use Permit #Z-2023-006 upon a finding that such modifications, amendments, and additions are necessary to protect the public health, welfare and/or safety of the County. All such modifications, amendments, and additions shall comply with the procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

14. Amendments. All changes and modifications to this Amended and Restated Conditional Use Permit, and not determined to be a minor facility plan modification that can be approved by the County Planner shall be considered by the Planning Commission and BOCC as an amendment to the CUP and shall be required to comply with all procedures of the County, in effect and as applicable, for the application and consideration of a Conditional Use Permit Amendment Application.

15. Permits Runs with Land. In accordance with state law, this Amended and Restated Conditional Use Permit shall run with the land, and the obligations and benefits of the CUP shall, respectively, be binding on and inure to the benefit of all successors and assigns of Applicant in the ownership or development of any portion of the Project.

16. Incorporation by Reference. All information, permits, licenses, attachments, and all other information referenced herein are hereby incorporated into this Conditional Use Permit by reference.

17. Inconsistencies and Ambiguities. Any inconsistencies or ambiguities in the materials and information provided to the County by Applicant and any ambiguities or inconsistencies in the Conditional Use Permit shall be interpreted and applied in favor of the County.

18. Recordation. Upon the approval and execution of Conditional Use Permit Z-2023-006, this Permit shall be recorded in the Office of the Millard County Recorder, with all Attachments being on file in the Office of the County Clerk and Office of the County Planner, with copies of the recorded document provided to the BOCC, County Attorney, County Planner, and Applicant.

19. Conditional Use Permit Review and Expiration. The approval of this Conditional Use Permit #Z-2023-006 shall be reviewed on or before December 31, 2026 at which time, if a completed Building Permit Application with the applicable fees has not been submitted and approved and a valid Building Permit issued for any above ground structures that require a permit under the applicable provisions of the International Building Code, the BOCC may extend the Conditional Use Permit approval, but in no case later than to December 31, 2027, upon a recommendation to do so from the County Planner and County Attorney, and with a finding by the BOCC of extenuating circumstances beyond the control of Applicant. If construction at the Site is not

commenced by December 31, 2027, Conditional Use Permit #Z-2023-006 shall expire and be void.

20. There must be a stormwater plan to prevent ground erosion.

21. The applicant will coordinate with Millard County on any housing issues that arise.

22. Both during construction and operation of the project there not be any unreasonable interruption to adjoining business. Any alteration of plans, affecting adjoining business must be communicated to neighboring partners and Millard County.

23. Minor Facility Plan Changes. Minor Facility plan changes may be required for the project. To promote efficiency in the review and approval of minor facility plan modifications, the County Representative and County Planner are authorized to jointly review and approve or deny all minor facility plan modifications, provided any approved minor facility plan modification does not materially affect the intent and purposes of this Conditional Use Permit. The County Representative and County Planner may consult with the County Attorney in determining if proposed facility plan modifications may be determined to be a minor site plan change. A proposed facility plan change that is not determined to be minor facility plan modification by the County Representatives and County Planner shall be presented to the Planning Commission and BOCC as a Conditional Use Permit amendment, as provided for herein.

24. Any site lighting will be downward directed.

8. PUBLIC HEARING—Zoning Ordinance Text Amendment Application Z-2023-058 amending the Table of Uses and Use Definitions to allow open/outdoor storage as a P-1 Permitted Use in the Highway Commercial (HC) Zoning District. Jed Christensen, Applicant

Commissioner Erin Sorenson made a MOTION to open the Public Hearing. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Applicant Jed Christensen approached the commission and gave a description of his application.

Commissioner Peter Greathouse made a MOTION to close the Public Hearing. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

9. REVIEW and POSSIBLE RECOMMENDATION—Text Amendment Application Z-2023-058 to allow open/outdoor storage as a P-1 Permitted Use in the Highway Commercial (HC) Zoning District

The applicant stated that he really just wants to be able to store larger RVs and boats outside the existing storage units.

Commissioner Phil Morrison voiced his concerns with changing the use rather than the applicant submitting a conditional use permit application.

Commissioner Peter Greathouse made a MOTION to send a favorable recommendation to the BOCC As it is in conformance to the Millard County General Plan and meets the findings in County Code 10.8.3. Also to amend the proposal from a P-1 to a C-1 and to adopt the text amendment allowing outdoor storage in Highway Commercial zones with a C-1 permit. Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

To ensure open/outdoor storage be conducted in a responsible manner, and to address possible negative impacts from unsightly operations, recommend to the Board of County Commissioners to amend Chapters 25 of the Millard County Zoning Ordinance, to:

1. Permit open/outdoor storage in the Highway Commercial (HC) zoning district as a **C1 Conditional Use** (Rather than a Prohibited (X) or Permitted Use (P-1)).

In considering a land use ordinance amendment application, the Planning Commission in formulating a recommendation, and the Board of County Commissioners (BOCC) in deciding a land use ordinance amendment application shall consider the following factors, among others:

1. Consistency of the proposed amendment with the county General Plan.
2. The effect of the proposed amendment on the well-being of the county.
3. The effect of the proposed amendment on the public health, welfare, and safety.
4. The effect of the proposed amendment on the interests of the county, and its residents.
5. The ability of the county, and other service providers, as applicable, to provide all infrastructure, facilities, and services required by the uses and activities allowed by the proposed amendment.
6. Compatibility of the proposed uses and activities with nearby and adjoining properties.
7. The suitability of the properties for the uses and activities proposed.
8. The effect of the proposed amendment on the existing goals, objectives, and policies of the General Plan, and listing any revisions to the county's Land Use Ordinances, and any other ordinances and resolutions required to implement the amendment. (Ord. 12-12-04, 12-4-2012)

10. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Amendment Application #Z-2023-055 to change the location and size of the project's terminal and associated facilities, TransWest Express LLC, applicant.

Nancy Smith and Joe Tippetts approached the commission on behalf of TransWest Express LLC.

The Planning Commission decided to discuss agenda items 10 and 11 at the same time.

Joe Tippetts stated that they are wanting to relocate their terminal that was permitted in 2019 1 ½ miles east of the current location. They've also added some additional equipment to the terminal.

There was discussion about mitigating transient voltage and how the applicant will monitor it. Nancy Smith stated that in the design there is a line that goes out from each tower to ground the tower for any stray voltage. There is also ground electrodes that will be monitored in real time.

Joe Tippetts stated that moving the existing terminal will not affect on the operation of that ground electrode.

There was discussion about the access point into Juab County.

There was discussion about the utility corridor.

There was discussion about a road maintenance operation during the entire lifespan of the project.

There was discussion about providing training to the local emergency response team. There is an emergency management plan that will be provided to the county when the project comes into Millard County.

The lines will be inspected by ground, helicopter and drone.

Commissioner Joh Nye made a MOTION to send a favorable recommendation on application #Z-2023-055 and #Z-2023-056 to the BOCC As it is in conformance to the Millard County general plan and meets the findings in County Code 10.8.3.

Recommending that monitoring and mitigation of transient power is in place and that if something comes up with their federal regulations, they let Millard County know.

Commissioner Erin Sorenson SECONDED the motion. Voting was unanimous in the affirmative.

RECOMMENDATION

1. Favorably recommend the approval of the requested amendments to C-2 Conditional Use Permit #Z-2019-004 changing the location and size of the Project Terminal and Direct Current System and associated facilities subject to the conditions of the original Conditional Use Permit.

2. Basis for Issuance of an Amendment to Conditional Use Permit # Z-2019-004:

a) The Millard County Planning Commission considered Application #Z-2019-004 on March 6, 2019 and April 3, 2019.

b) On April 3, 2019, the Millard County Planning Commission made a favorable recommendation to the Millard County Board Commissioners (“BOCC”), accompanied by findings, that Application #Z-2019-004 be approved with reasonable conditions.

c) The Millard County Planning Commission recommendation, and other materials related to Application #Z-2019-004 were considered by the BOCC on May 7, 2019.

d) On May 7, 2019, and following the receipt and consideration of all materials related to Application #Z-2019-004, the BOCC, the County land use authority for C-2 Conditional Use Applications, made a final decision on Application #Z-2019-004.

3. Findings of Fact

a) The proposed use is a Conditional Use within the Zoning District as identified in Appendix A, Table of Uses.

b) The proposed use is allowed within the Zoning District as identified in Chapter 8.

c) The proposed use complies with all requirements of the Zoning District, including all minimum area, setbacks, height, and all other requirements as applicable.

d) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

e) The property on which the use is proposed is of adequate size to permit the conduct of the use in a manner that will not be detrimental to adjoining and surrounding properties.

f) The proposed use complies with all site plan and building requirements, as provided and required by this Ordinance all other applicable Land Use Ordinances, and all applicable Federal, State, or Local requirements and regulations.

g) The proposed use complies with all applicable dedication requirements of the County and provides the necessary infrastructure, as required.

h) Such use will not, under the conditions required, be detrimental to the health, general welfare and safety of persons or injurious to property or improvements of the immediate area or the County as a whole. (Ord. 12-12-04, 12-4-2012)

i) The road maintenance agreement is to be for the duration of the project.

11. REVIEW and POSSIBLE RECOMMENDATION— C-2 Conditional Use Permit Amendment Application #Z-2023-056 to change the location and size of the project’s terminal and associated facilities, TransWest Express LLC, applicant.

12. OTHER BUSINESS

13. POSSIBLE CLOSED MEETING Pursuant to Utah Code Annotated Section 52-4-204 & 205

14. APPROVAL OF MINUTES – The proposed minutes of the Planning Commission Meeting held on August 2, 2023 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner John Nye made a MOTION to approve the minutes from August 2, 2023. Commissioner Phil Morrison SECONDED the motion. Voting was unanimous in the affirmative.

The proposed minutes of the Planning Commission Meeting held September 6, 2023 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Peter Greathouse made a MOTION to approve the minutes from September 6, 2023. Commissioner Erin Sorenson SECONDED the motion Voting was unanimous in the affirmative.

15. ADJOURNMENT - Commissioner Peter Greathouse made a MOTION to adjourn at 9:58pm. Commissioner John Nye SECONDED the motion. Voting was unanimous in the affirmative.

Dated this ___ day of _____ 2024
Joyce Barney, Vice Chairman
Millard County Planning Commission

