

**Planning & Zoning Commission Meeting
County Administrative Offices, Duchesne, Utah
July 1, 2009 - 5:00 p.m.**

In Attendance were:

Randy Mair, Planning Commission - Chairperson
Shelly Fabrizio, Planning Commission
Leon Sweat, Planning Commission
John Jorgensen, Planning Commission
Kent Olsen, Planning Commission
Chris Peatross, Planning Commission
Dean Burton, Planning Commission
Mike Hyde, Community Development Administrator
CoraLee Sanchez, Planning Secretary

Visitors:

Lorin Tonks	ITL-Evaporation Ponds
Dale Rasmussen	ITL-Evaporation Ponds
Becky Rasmussen	ITL-Evaporation Ponds
Larry Skow	ITL-Evaporation Ponds
Renni Smith	ITL-Evaporation Ponds
Brent Morse	ITL-Evaporation Ponds
Glen Wall	ITL-Evaporation Ponds
Darrell Gillman	ITL-Evaporation Ponds
Leon Gillman	ITL-Evaporation Ponds
Karolyn Gillman	ITL-Evaporation Ponds
Merrill Dalling	ITL-Evaporation Ponds
Brent Gillman	ITL-Evaporation Ponds
Todd Bro	ITL-Evaporation Ponds
Geoff Liesik	Uintah Basin Standard

Chairperson Mair opened the meeting at 5:00 PM.

Chairperson Mair asked if any of the Planning Commission had any ex-parte contracts associated with either item on the agenda. Mr. Hyde stated the Planning Commissioners Burton and Jorgensen had meet with Mr. Morris from Iowa Tank Lines or visited the site to make some observations. There were no objections as a result of those visits, so the hearing proceeded.

PUBLIC HEARINGS:

A. Review Conditional Use Permit granted August 6, 2008 to Todd Bro, Iowa Tanklines Water Recovery, to determine if prompt action to control and eliminate odors at their produced water disposal facility has been taken in accordance with permit conditions.

Mr. Hyde stated the Conditional Use permit that was granted on August 6, 2008, one of the conditions of that permit was after operations began the applicants agree to take prompt action to control and eliminate odors if the county receives any complaints. Referring to your packets there is a list of dated complaints from May 18th thru July 1st the county has received. Citizens living northeast of the facility, in the Pleasant Valley area, have called in complaints about odors originating at this facility, and are asking the Planning Commission to revisit the permit at this time because of the odor issues they are experiencing.

Mr. Hyde stated the public hearing will be opened with the operators of the facility speaking in their behalf and then the public that is in attendance will have a chance to speak to the commission about their experiences. Mr. Hyde also stated the recommendations from staff are on page 2 indicating some courses of action the Planning Commission and the operators of the facility might take to resolve the issue.

Commissioner Mair asked if there were any questions from the Planning Commission. There were none so the public hearing was opened.

Todd Bro from Iowa Tanklines stated there some concerns to address and he will cover the steps that Iowa Tanklines will take to resolve the problems at hand. Mr. Bro stated the first complaint came on May 18th and the hypo chloride treatment was increased immediately and with excellent results. There were no complaints until May 28th after the Utah Division of Oil Gas and Mining had notified ITL to discontinue the use of calcium hypo chloride until the EPA has approve it for of E and P waste treatment. ITL felt they had a method that was working to control the odor issue and are still waiting for the EPA to make a decision whether they can begin using the calcium hypo chloride treatments again. DOGM is stating that the EPA needs to make that decision. Mr. Bro stated ITL prior to May 28 had been introduced to a company called Novazime and with their experience in this field they convinced ITL to introduce bacteria to the ponds that were delivered on June 2nd . We followed the directions and have completed all six treatments then were concerned that the odor was still there. We called the company and they assured ITL to give the treatments a full 7 to 14 days. On June 15th , ITL called a local company called Bio-Resources, and have contracted Bio-Resources and will introduce their cultures to the ponds on July 4th. Mr. Bro stated they have reduced the odor but have not eliminated the odors completely.

Mr. Bro also stated on June 13 he and his wife were having a conversation with Dale Rasmussen. There were faint smells lasting approximately 2 minutes then the odor got better. There was a strong wind blowing toward the Rasmussen's at that time.

Mr. Bro stated the County Commissioners have been invited to the ponds, with one stating no comment the other two visited the ponds and stated there were faint odors after walking along the boundaries of the ponds. Mr. Bro also stated Mr. Hyde after visiting the ponds on two occasions noticed only faint odors. With 8 complaints from May 18 to May 21 and 20 from May 22 to June 23, ITL feels they acted in a timely manner to minimize the odors after DOGM ceased their use of calcium hypo chloride.

Mr. Bro handed a map to the planning commission hoping to show the reasons to question the source of the odor (stating not to blame RNI a neighboring business to the west) also stating that ITL still having an odor problem. Possibly, RNI could be contributing also. Mr. Bro stated he has a voluntary survey from various workers, neighbors and truck drivers all felt like they not only smelled the ITL ponds they could also smell the RNI ponds as well.

Mr. Bro stated Dale and Becky Rasmussen were at the site on June 20 and reported to Brent Morse General Manager of Iowa Tanklines. Mrs. Rasmussen stated there was odor from the east end of the ITL boundary, they also went to the RNI site and had a strong odor there to. Mr. Bro stated if the wind is from the west there is odor from the RNI ponds stating the odor could be from both sites. Also Mr. Bro stated after the August 6th hearing after the granting of ITL use permit, The RNI application was granted with 3 for and 3 against and 1 tie breaker. The citizens group argued against the odor and or the escaped water traveling down the gulches after looking at the maps and the weather conditions the conclusions being that RNI odor could be reaching Pleasant Valley also.

Mr. Brent Morse, Iowa Tank Lines General Manager, referring to the map Mr. Bro handed out earlier in the meeting, looking at the RNI site, elevations and the gulches traveling midway between RNI and ITL stating it creates a vortex between the two sites depending on the wind and weather conditions therefore the odors could be from both the RNI and ITL sites.

Commissioner Mair asked if there were any questions from the Planning Commission.

Commissioner Burton asked if Mr. Morris has logged the winds thru rabbit gulch. Mr. Morris stated they do not have a compass but using the cattle guard and looking down to Rasmussen's pivot being approximately a 45 degree angle.

Mr. Bro stating ITL feels if the winds are blowing to the east, southeast or northeast, the RNI odor goes to the rabbit gulch area and if they are blowing northeast so does the ITL odor, if the winds are blowing east or southeast ITL odor goes to the other gulch. Mr. Bro referring to the map with the names of the home owners printed all reporting an odor problem with the exception of Newfield and Gasco. ITL asked some employees

from both companies if they had smelled odor from their site. The response from those asked was no they had not. Mr. Bro stated the complaints are either in late evening or early morning. Mr. Bro stating again with the cooler temperatures and the wind conditions contributes odor from both sites.

Mr. Bro referring to the August 6th meeting and the statement was made by an RNI spokesperson that there would not be any odor, but they would respond to the residents if there were any complaints. Mr. Bro stated the next step for ITL would be to eliminate any odor, Mr. Bro asked the commission to grant ITL sixty days to remedy the problem and stated the steps they are taking to get the system running with results pending. He also asked the commission to identify any and all odor sources when a complaint is received and to establish a criteria for unacceptable odor. Some odor is expected and accepted; what level would that be. In closing, Mr. Bro stated he has a letter from IHI Environmental an Industrial Hygienists and Odor control Specialty Company stating they have a device called an electronic nose which would detect the time of the complaint and the source of the odor stating also is very expensive and not cost effective.

Mr. Bro stated ITL has contracted with a company called Bio-Resources Inc. Mr. Bro asked Larry Skow to explain what they do and what ITL can expect from his company.

Larry Skow, Bio Resources Inc., stated they use a biological process. They work in several facilities of this nature throughout several states. Mr. Skow stated they have 15 years of experience and have biologists on staff and make their own bacteria which will take care of H₂S, iron sulphites and many other oil products that will create odor. This bacteria will stop that process. Mr. Skow stated beginning on July 2nd they will implement a program and continue thru July 4th until the problem is remedied. Mr. Show stated bio remediation is an accepted practice all over the world.

Commissioner Mair asked if there were any questions.

Commissioner Sweat asked if there is an accepted standard. Mr. Skow stated these are unique odors making it hard to pinpoint a standard. Mr. Skow referred to the winds and weather fronts making the ponds roll and therefore releasing the odors. Also stating there are 39-40 strains of bacteria to absorb the odors by pulling into the cell walls by breaking the chemical bond.

Commissioner Burton asked if there was a PID downwind of the facility to see if VOC is the odor issue and if there had been an atmospheric monitor taken around the facility. Mr. Skow stated there will be samples pulled and tests ran before treatments start and does not feel the monitor's are effective.

Commissioner Burton asked Mr. Bro when ITL started accepting water. He replied just after New Years, 2009.

Commissioner Mair asked if there were any other questions.

Commissioner Olsen asked where Mr. Skow was from and if Bio-Resources had any other operations. Mr. Skow replied he lives in Greeley, CO., and has a representative from Lapoint, Utah, Ren Smith will be training with Bio and we will be working thru his company until we get registered with the State of Utah. Stating also their products are non genetically engineered and are effective.

Mr. Hyde asked Mr. Skow as the water sits in the ponds creating a anaerobic situation with the lack of oxygen and as the ponds rollover creating the odors, is part of the solution to introduce oxygen in the lower levels. Mr. Skow stated oxygen is hard to introduce into oil field water which is very low in oxygen to begin with but dissolved oxygen will be introduced along with anarobic bacteria which will work with or without oxygen.

Mr. Bro stated there is a company in Illinois called Air Difusion Systems that puts air diffusers along the bottom of the ponds, releasing tiny bubbles treating sewer lagoons with great success. Mr. Skow stated as the clarifying begins by taking the TSS and TDS out of the water the light will put oxygen back in the water once the clarification begins. Mr. Hyde asked which process are they going to try. Mr. Bro stated Mr. Skow is to begin work tomorrow with the testing process hoping to get the results everyone wants. If not, ITL will go with the Air Difusion Company.

There was some discussion between Commissioner Olsen and Mr. Bro, regarding why the use of the calcium hypo chloride was halted. Mr. Bro stated the State of Utah wanted a ruling by the EPA whether or not the use of calcium hypo chloride could continue. Mr. Skow stated that chlorine is a cheap oxidizer and it will make the bacteria work. Mr. Bro stated the original use of calcium hypo chloride was to keep the H₂S, under control together with the H₂S monitors.

Commissioner Olsen had a comment about the winds and the direction it blows in the basin. Mr. Bro stated at the facility it changes direction hourly except in the evening when the cool air holds down the odors. Mr. Bro is hoping that the use of calcium hypo chloride will be approved for use in the future.

Commissioner Jorgensen asked if they mist in the evening. Mr. Bro stated only in the daytime since your mist cannot carry over the ponds and is considered a release, similar to having a leak in the pond liner. Commissioner Jorgensen stated also the complaints were after 10:00 p.m. and when we visited the facility ITL was misting and the smell was minimal.

Commissioner Jorgensen also asked if RNI was receiving water at that time. Mr. Bro stated RNI has received enough water to cover their first lined pond.

Mr. Hyde stated RNI does not have a operating permit, according to county conditional use permit they cannot operate the facility until they have a permit from DOGM. Mr. Hyde also stated according to Richard Powell it is standard practice for DOGM to let

facilities have enough water to protect the liner investment. I have asked RNI to treat the water currently in the ponds remove the water until a DOGM permit is issued. Mr. Skow stated they are not using any treatment right now.

Mr. Hyde stated the commission will need to address this issue at the end of this hearing. Also Mr. Hyde stated the day he and Commissioner Jorgensen visited the facility there was no wind and very little odor, the day Commissioner Burton and I visited the ponds there was a strong south wind blowing and there was a stronger odor on the south side of the ponds but nothing on the east side. There was an odor at the RNI ponds on the south side also.

There was some conversation between Mr. Hyde and Mr. Bro about the Ute Tribe ponds and if they have been shut down and cleaned up and if the Bureau of Indian Affairs has taken control of that operation.

Commissioner Mair asked if there were any other questions or comments at this time. There were none so the hearing was opened up to the opposition.

Becky Rasmussen, Pleasant Valley resident commented there are a couple of homes belonging to Lorin Tonks and Dorothy Scott not on the map. Mrs. Rasmussen also wants the Planning Commission to understand they have been to all the meetings having to do with any of the evaporation ponds. On August 6th, Iowa Tank lines stated along with the application, setbacks would provide sufficient distance to eliminate odors or water mist from migrating off site. Until May 18th odors have not been on their site, they are in our home. Mrs. Rasmussen stated the complaints are legitimate they enter their home, driveway and yard. Mrs. Rasmussen has had conversations with Mr. Morse and appreciates his efforts in trying to control the odors. Mrs. Rasmussen stated the taste stays in your mouth you can not eat or drink for 2 hours. Mrs. Tonks (Becky's Mother) walks to the mail box and gets hives. Mrs. Rasmussen refers to her log and at 12:36 p.m. on June 8th in their garage, the smell was horrendous and had to go in the house. Mrs. Rasmussen stated Dorothy Scott can not even open her windows or doors because she does not want the smell in her home. She feels lucky they have a air conditioner and not a swamp cooler so they can leave their windows closed. The other residents can't do that. Mrs. Rasmussen stated on May 20th the smell came at 5:30 a.m. and reiterated the odors do come at all times of the day. She feels that 60 days for ITL to fix the problem is too long. The residents have lived with the odors for 5 weeks and want some results. Mrs. Rasmussen feels the Planning Commission needs to take action to remedy the problem to protect the residents, their homes and land.

Commissioner Mair asked if there were any questions at this time.

Brent Gillman, Pleasant Valley resident, wants to thank the planning commission for taking the time to visit the ponds. Mr. Gillman states he feels that the odors do travel with the cooler air thru the two gulches, with two parcels of ground one being his farm and the other his home are both susceptible to the odors at different times of the day or night, whether it is the RNI ponds or ITL ponds. Mr. Gillman feels like the water needs

to be removed from the RNI ponds and stop operating the ITL ponds until Mr. Bro can present a plan to the commission that will remedy the odor problem.

Commissioner Mair asked if there were any questions at this time.

Glen Wall, a Pleasant Valley resident and employee of Iowa Tank Lines, feels that Mr. Bro will go above and beyond to do what is best for his employees, this facility and the residents of Pleasant Valley. Mr. Walls explains the use of the H₂S meters for work and home. Mr. Wall also feels that the Planning Commission should let ITL work out the bugs in the system and get a plan to remedy the problem for the residents and the ITL facility. Mr. Wall also lets the commission know there are different problems people need to deal with in life every day from the smells from dairy farms to traffic associated with the oil industry on a small county road.

Commissioner Mair asked if there were any questions at this time.

Leon Gillman a Pleasant Valley resident stated they have smelled the ponds they can taste it and wants the problem solved.

Merrill Dalling a Pleasant Valley resident stated this operation was suppose to be odorless due to reverse osmosis and now ITL has changed the plan due to the expense of this operation. Mr. Dalling feels like the smell is offensive and feels both the RNI and ITL operations should be closed until there is a plan that works to control the odors. Also Mr. Dalling stated they do drive around at night when the odors start just to be sure they are further away than just at their home.

Commissioner Mair asked if there were any questions at this time.

Dale Rasmussen a Pleasant Valley resident stated the Oil industry is not a bad place to work or be a part of, the question is did ITL comply with the third condition of their Conditional Use Permit by taking prompt action to control and eliminate any odors. The residents of Pleasant Valley feel they have not. Mr. and Mrs. Becky Rasmussen have both been to the facility thought the bugs were working, then just as fast, the odor comes up again. Mr. Rasmussen called DOGM and they explained to me ITL did not have a treatment plan and therefore DOGM could not let them use the chlorine. The Rasmussen's feel the ITL engineer should have had a treatment plan from the beginning. Mr. Rasmussen stated 3 weeks ago he was at the new farm and smelled produced water which is 3 1/2 miles directly east and at that time we requested action be taken by Duchesne County to stop any new water to be introduced to the ponds until ITL could either use the chlorine again or have a plan to control the odor. Mr. Rasmussen stated the odor complaints are legitimate and constructive. We are not on a witch hunt, but implied the odors do need to be taken care of. Mr. Rasmussen asked Mr. Hyde if RNI had treated their ponds. Mr. Hyde replied they said they would but was not sure if they had complied. Mr. Rasmussen is concerned that there are still a lot of empty ponds at both facilities so a solution needs to be presented to the Planning Commission before either project moves ahead.

Commissioner Jorgensen is concerned about the complaint process and the need to verify that there is odor.

Mr. Rasmussen stated there are times that the odors are in different areas at different times again depending on the wind and weather conditions.

Commissioner Peatross has some concerns and comments about how to take care of the complaints from the residents and the concerns for ITL on the quick response to clear the odor issues and keep the facility in operation.

There was some discussion between Commissioner Olsen and Mr. Rasmussen on the history of when the ponds were approved and why they were moved to section 30.

Commissioner Mair asked if there were any other questions.

Darrell Gillman a Pleasant Valley resident stated they do not want to put ITL out of business but the residents want a solution to the odor problems now before the rest of the ponds fill up and the issues are a much larger problem. Mr. Gillman also stated RNI should also be closed until they get their permits.

Commissioner Mair asked if there were any other questions at this time. Mr. Bro was invited to speak again in rebuttal.

Mr. Bro had some conversation about using the reverse osmosis and ITL is still considering using that process hopefully in the future and states the DEQ and DWQ are reluctant to move forward. Mr. Bro also wants to reiterate what he has already stated: ITL would like sixty days to get their plan into effect and see what the results are at the end of the trial period without closing the operation down.

Mr. Skow has stated it will be easier to do the testing with fresh water and not using stale water, also the testing and treatments will be an ongoing process throughout the year and these ponds can be cleaned up with this process.

Commissioner Peatross and Mr. Skow had some discussion and comments about what kind of testing will be done and what results the Planning Commission can expect in the next 30 day period. Mr. Skow said there will be some operation changes that will make this process effective and this process will begin on July 2, 2009.

Commissioner Burton asked if there are attendants on site at all times. Mr. Bro stated the operating hours end between 8:00 and 9:00 p.m.

Commissioner Peatross asked how much water is in the second pond and when will you need to move beyond that point. Mr. Bro stated there is about 1 foot in the pond and would need to go beyond that point in November without any evaporation.

Mr. Bro stated he will provide a letter with respect to the steps in this process the testing that will be taken and what will be expected in the next 30 days,

Commissioner Peatross stated also the RNI will need to be under the same control.

Mr. Bro had a comment about the oil companies looking for ways to cut costs, which leads them to put the water down hole to injection wells thus the need for all drivers to use the H₂S monitors which means there could possibly be a 3rd source to the odor problem.

Commissioner Burton asked Mr. Skow if they use micro blaze and what he thinks of that process. Mr. Skow said it does work very well on land farms. Commissioner Burton stated that could be another possibility for ITL.

Commissioner Fabrizio asked if there is no new production water emptied in the ponds, will the odor still be there. Mr. Skow stated with natural water flow and the chemical treatments will treat the fresh production water as well as the stale water already in the ponds. Commissioner Fabrizio stated the smells will not decrease if there is no new water entered. Mr. Skow stated there will always be dead spots in the water so it is better to keep the bacteria moving around with a better water flow.

Commissioner Jorgensen wondered if production water receipt could be ceased August 7th unless by August 5th there has been some improvements. Mr. Bro prefers to have the sixty days, hoping Mr. Skow can have the results needed come in thirty days but sixty days would be better. Mr. Skow stated you need to make a history of what has happened, it takes 3 days to get some of the test results. Remembering we have 15 million gallons of water in that pond. Commissioner Fabrizio stated in 30 days the residents should notice a difference. Mr. Skow stated the record should show in thirty days to be under control.

Mr. Hyde asked if there documentation from any other areas with these problems. Mr. Skow stated in Duveck, CO, at a facility with 18 inches of algae, Baggs, WY and Four Mile just south of Baggs on the Colorado side with great success. Mr. Hyde just wanted some assurance for the Planning Commission. Mr. Show will give phone numbers for the owners of those facilities also giving the commission a list of references.

Commissioner Burton asked Mr. Bro if you compared the amount of water taken in at this time and if you just maintain and not increase the levels you have at the present time what would the difference be. Mr. Bro stated if we have good evaporation it could be the same rate we bring water in, together with the mechanical evaporation you should have room for winter inbound.

Commissioner Mair asked if there were any other questions.

Dale Rasmussen asked what guarantee do we have that Mr. Skow will be there in two weeks if he can not show any results. Commissioner Peatross stated we need the steps

in place with some improvement in thirty days with a little leeway. Mr. Rasmussen hopes this works, why should ITL have all the benefits with the residents paying all the costs.

Mr. Hyde stated the next meeting will be on August 5th maybe this hearing should be recessed until then. Mr. Rasmussen still wants some reassurance that after 30 days the residents will not have to do thirty more.

Mr. Dalling also stated the residents want a deadline and there needs to be some guidelines for the future.

Ren Smith, Lapoint, Utah had some comments about the ponds and the odors of everyday life, and requested the Planning Commission give Mr. Bro some time to clean up the facility.

Commissioner Mair asked if there were any other questions. There were none.

Commissioner Peatross moved to instruct Mr. Hyde to notify RN Industries to close their ponds and or remove any water until such time they have received their DOGM permits according to the Conditional Use Permit for Duchesne County. Commissioner Sweat seconded the motion and it passed unanimously.

Commissioner Peatross moved that the public hearing be recessed to August 5, 2009 at 5:00 PM. The applicant shall immediately provide the county with an odor treatment plan outlining the treatment methods and steps that will be taken to control and eliminate odors. When the public hearing is re-opened, if the applicant has not provided an odor treatment plan, no new produced water may be received at the facility. When the public hearing is re-opened, progress shall be evaluated based on the complaint log and any test results available. If progress is being made toward odor elimination, the Planning Commission may grant an additional 30-day period for odor control measures to fully take effect, in lieu of an order to cease receipt of water.

Commissioner Fabrizio seconded the motion and it passed unanimously.

B. Recommendation to the County Commissioners regarding a proposed amendment to the Subdivision Ordinance associated with House Bill 1001 passed in the 2009 Special Legislative Session and Senate Bill 209 passed in the 2009 Regular Legislative Session.

Mr. Hyde stated during the May 2009 special session of the Utah Legislature, House Bill 1001 was passed. This new law allows property owners with at least 100 acres of land to divide one parcel, not less than one acre in size, without complying with local subdivision ordinances. The bill does allow counties to ensure that health, safety and access standards are met through the building permit process. Such parcels created under this provision must be located at least 1,000 feet away from another parcel

created by this method.

Mr. Hyde also stated the minor subdivision process in the subdivision ordinance allows counties to ensure that new parcels have legal access, health department approval, a survey, a water source (if less than 40 acres in size) and that they meet the minimum lot size for the zone. Because of House Bill 1001, these standards will need to be reviewed during the building permit process (after the parcel has been created). The proposed amendments to Section 16.04.040 and 16.12.030 of the Subdivision Ordinance address this matter.

During the regular 2009 legislative session, the Legislature approved Senate Bill 209, which amends state law associated with vacating or changing a subdivision plat, public right of way or easement. Because state law has changed so often recently with respect to these topics, the proposed amendment to the county subdivision ordinance simply makes reference to the state code, Sections 17-27a-208, 608 and 609 (and subsequent amendments thereto), which define the process for such requests.

Mr. Hyde stated for minor subdivision parcels created under the HB 1001 exemption, the above review process is not required. However, prior to the issuance of a building permit for such a parcel, the following shall be provided to the County, in addition to any submittal requirements of the Duchesne County Department of Building Safety:

1. A site plan showing the location of the proposed building in relation to parcel boundaries prepared by a surveyor licensed in Utah, to ensure that the building meets safety setback standards of the Duchesne County Zoning Ordinance;
2. Proof of purchase of a culinary water connection if the parcel is less than 2.5 acres in size;
3. Proof of an approved water right, from the Utah Division of Water Rights, for a private water well, or proof of purchase of a culinary water connection, if the parcel is between 2.5 and 40 acres in size;
4. Evidence of legal access to the property that complies with the Duchesne County Subdivision Ordinance and the Wildland Urban Interface Code.
5. Evidence of wastewater permit approval from the sanitary sewer authority for the new parcel.

Commissioner Sweat asked Mr. Hyde if the parcel is less than 2.5 acres do they need to provide culinary water. Mr. Hyde replied the zoning ordinance states if you have culinary water you can go to 1 acre if you have a well you need 2.5 acres.

Mr. Hyde will clarify the changes on number 3 to reflect proof of water rights from the Division of Water Rights for a private well or a culinary water connection.

Mr. Hyde stated with the additional change to number 3, I recommend that the Planning Commission adopt the findings and conclusions herein and recommend approval of this subdivision ordinance text amendment by the County Commissioners. Normally Mr. Hyde stated new laws are effective on July 1. Because of the special session, the

county has until October 1, 2009 to adopt this ordinance.

Commissioner Sweat moved to recommend approval of the subdivision ordinance in accordance with House Bill 1001 and Senate Bill 209 by the County Commissioners, with the changes to Number 3 as recommended by staff. Commissioner Peatross seconded the motion and it passed unanimously.

NEW BUSINESS:

A. Request by Bob West for an extension of time to submit the final plat of the 3000 West Parkway Subdivision.

Mr. Hyde stated in your packet is a copy of the map for the proposed 3000 West Parkway Subdivision north of Burdick Paving about ½ mile. Mr. West has an industrial subdivision approved in May, 2008. Due to the downturn in the economy; the developer has not constructed the water system and roadway to serve the proposed lots. Section 16.16.060 of the Subdivision Ordinance provides a maximum 12-month period between preliminary plat approval and final plat submittal. Mr. West has requested an extension until May 2010 to make the improvements. The ordinance does allow for the Planning Commission to grant one extension for up to 12 additional months. Staff recommends that the extension request be granted.

Commissioner Jorgensen moved that the Planning Commission grant the request of Bob West for a one-year extension of time to file the final plat of the 3000 West Parkway Subdivision. The new deadline for final plat submittal shall be May 7, 2010. Commissioner Olsen seconded the motion and it passed unanimously.

B. Request by Glen Barney for an extension of time to submit the final plat of the Glen Barney Subdivision.

Mr. Hyde stated this subdivision is across Highway 40 from the Ioka junction. Mr. Barney has requested an extension due to the downturn in the economy. The developer has not constructed the water system and roadway to serve the proposed lots. Section 16.16.060 of the Subdivision Ordinance provides a maximum 12-month period between preliminary plat approval and final plat submittal. The ordinance does allow for the Planning Commission to grant one extension for up to 12 additional months.

Commissioner Peatross moved that the Planning Commission grant the request of Glen Barney for a one-year extension of time to file the final plat of the Glen Barney Subdivision. The new deadline for final plat submittal shall be July 2, 2010. Commissioner Jorgensen seconded the motion and it passed unanimously.

Minutes: Approval of April 1, 2009

Commissioner Jorgensen moved to approve the minutes of April 1, 2009.
Commissioner Sweat seconded the motion and it passed unanimously.

Commission Comments and Staff Information Items

None

Adjournment:

Meeting adjourned at 8:16 p.m.