

**WOODS CROSS PLANNING COMMISSION MEETING
SEPTEMBER 11, 2007**

MEMBERS PRESENT:

David C. Hill, Chairman
Anne Blankenship
Jennifer Bassarear
Leo Beecher

Gary Sharp
Brent Page
Ryan Westergard

VISITORS:

Dan Schrader
Lois Schrader
Jeromy Heward
Zack Heward
Blaine Zwahlen
Gil Higham

Greg Simonsen
Pat Blackley
LeGrande Blackley
Kerry Ruebelmann
Brian Knowlton

STAFF PRESENT:

Tim Stephens, Community Development Director
Marcee Morris, Secretary
Kent Parry, Mayor

PLEDGE OF ALLEGIANCE:

Ryan Westergard

APPROVAL OF MINUTES

Chairman Hill called for discussion or corrections of the minutes of the Planning Commission meeting held August 28, 2007. Commissioner Bassarear made a motion to approve the minutes with corrections. Commissioner Page seconded the motion and the motion carried.

CITY COUNCIL REPORT

Mayor Kent Parry reported on the City Council meeting held August 21, 2007. Please see the minutes of that meeting for the details of his report.

OPEN SESSION

Chairman Hill then opened the meeting for any items that the public would like to bring before the Commission.

There were no public comments and Chairman Hill continued with the meeting.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
SEPTEMBER 11, 2007
PAGE 2**

SILVER EAGLE CONDITIONAL USE & SITE PLAN AMENDMENT

Mr. Tim Stephens reviewed this item with the Commission. He noted that Silver Eagle had proposed the installation of an Isom unit that would produce gasoline blend stocks that would meet future EPA fuel requirements. He briefly reviewed the elevation drawings that were included in the Commission's agenda packets and indicated that the staff recommended approval of the site plan and conditional use request with the following conditions:

1. The applicant shall acquire all required building permits from the City prior to the construction, remodeling, alteration, enlargement, repair or demolition of any improvements on the property described in the applicant's application.
2. No oil, fuel or other product or chemical emanating from the subject property shall be allowed to enter or be discharged into the City storm drain system.
3. All pipes installed by the applicant in conjunction with the subject project, which is the subject of the application, shall be tested and any other underground lines shall be cathodically protected for corrosion protection. The applicant shall maintain all pipe, beams and pipelines utilized by the applicant hereafter in a good and safe condition.
4. All waste, waste waters and process area storm waters for the subject project shall be collected and run through the API separator and shall not be allowed to discharge into any ground waters or off site storm drain system. This condition shall not be construed to prevent discharge or disposal of waste, waste waters or process area storm waters in approved landfill disposal sites or the South Davis Sewer Improvement District as per their discharge permit as the case may be.
5. Any degradation of the subject property due to the applicant's operation may result in revocation of the permit.
6. At no time may any offensive odors emanate from the subject project which would impact surrounding industrial or residential areas of the City. Failure to comply with this condition shall result in revocation of the permit.
7. The applicant shall comply with all applicable requirements for the site and project required by the Utah State Health Department, Department of Environmental Quality or its Bureaus or its Bureau of Air Quality, Solid Hazardous Waste And Water Pollution Control and their successors. Significant non-compliance with any one or all of the above mentioned regulatory agencies shall be grounds for revocation of this permit.

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
SEPTEMBER 11, 2007
PAGE 3**

8. Applicant shall comply with all applicable laws, rules and regulations of any government entity having jurisdiction over the applicant's operation or the subject property.
9. Any material violation of or failure of the applicant to comply with the forgoing conditions shall entitle the City to revoke this permit, provided that the City gives the applicant written notice of such failure or violation and that the applicant has failed to remedy such failure or violation within 30 days from the date the applicant receives such notice.

Gil Higham, a representative of Silver Eagle Refinery, addressed the Commission and asked if there were any questions he could answer for them. Commissioner Beecher asked about the frequency of surveys of the cathodically protected underground pipes. He suggested that condition #3 include a requirement for annual surveys to ensure the system is functioning properly. Mr. Higham indicated that their underground pipelines are surveyed annually and the refinery is in the process of removing all of their underground pipelines. He further explained that all the pipes for the Isom unit project would be above ground. He added that the refinery has a French Drain system that surrounds the refinery on the south and west sides which helps them to keep pollutants out of the ground water.

Chairman Hill asked Mr. Higham to explain what the Isom unit would do for the refinery. Mr. Higham explained that future EPA standards would require them to lower the amount of benzene in their product. Without the unit the product would be out of compliance when new EPA standards are implemented. The Isom/Ben Sat (Benzene Saturation) unit would make it possible to reduce the amount of benzene in the product without lowering octane.

Commissioner Hill pointed out that there had been an accident at a refinery in Texas involving an Isom unit, he asked Mr. Higham if there was a danger of the same thing happening at Silver Eagle. Mr. Higham indicated that the unit would be set up differently and would vent through the flare system instead of to the atmosphere which would prevent the type of problems that caused the accident in Texas.

Commissioner Westergard asked Mr. Higham if the new unit would increase the odor coming from the refinery. Mr. Higham indicated that it would not increase odor and should actually decrease odor because it would be removing sulfur.

Discussion followed regarding the recent fire at Silver Eagle. Mr. Higham indicated they had identified the cause of the fire and had installed another exchanger to the system. It was pointed out that citizens living in the area of the refinery had recently reported hearing a lot of alarms going off. Mr. Higham explained that taking the exchange system down for cleaning, which they would do every couple of months, would cause the alarms to sound.

Kerry Ruebelmann of Kleinfelder addressed the Commission and discussed her findings. She indicated that the addition of an Isom unit at Silver Eagle would not impact air quality

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
SEPTEMBER 11, 2007
PAGE 4**

significantly. She said that review of the refinery's records on leak detection, air emissions, etc indicated they were consistent with what you would expect to find. She suggested that the City annually review the refinery's annual inventory of emissions versus what their permitted emissions were and also review DEQ (Department of Environmental Quality) inspection reports to determine if they were maintaining compliance with their air permit. Ms. Ruebelmann noted that, while this one project would not significantly impact the area, accumulation of activities at all the industrial sites in the area would have a significant impact over time. She suggested the cities get together with DEQ and industry representatives to study the issue. Mayor Parry indicated that he had attended a meeting with two local mayors and DEQ to discuss how to address air quality issues. He stated that it was a difficult issue to deal with. It was suggested that the City implement annual reviews of all refinery emissions records either by directing staff to do it or by hiring an outside consultant.

Commissioner Westergard questioned Ms. Ruebelmann about the increase in emissions and how it would affect odors coming from the refinery. Ms. Ruebelmann indicated that it would depend on which odors he was concerned about, whether sulphur, petroleum, etc. She repeated that the increase in emissions with this project would be small.

Commissioner Westergard asked Mr. Stephens if this amendment to Silver Eagle's site plan would trigger any requirements as far as bringing the rest of their site into compliance with the city's current zoning regulations. Mr. Stephens indicated that the site has already been brought into compliance as much as possible with previous amendments.

Chairman Hill asked if there were any citizens in the audience who would like to comment on the issue. There being no other comments, Chairman Hill called for a motion. Commissioner Blankenship moved that the conditional use request for Silver Eagle Refinery be approved with the 9 conditions listed above and that condition #3 be changed to require annual inspections of the underground pipelines to ensure the cathodic protection system was functioning properly. The motion was seconded by Commissioner Sharp and the motion carried.

Commissioner Sharp moved to approve the site plan amendment for Silver Eagle Refinery as presented. The motion was seconded by Commissioner Beecher and the motion carried.

**KNOWLTON OFFICE/WAREHOUSE ARCHITECTURAL ELEVATION
AMENDMENT**

Mr. Stephens reviewed this item with the Commission. He noted that the changes would be on the north and south sides of the building where they proposed to delete some windows and add one overhead, roll up door on each side; the west side of the building, which faces Redwood Road, would not be changed.

Mr. Brian Knowlton of Knowlton Construction explained that the buildings main use would be as a warehouse. He did not realize before the initial approval that the north and south sides did not include access for moving materials in and out of the building. He indicated that the

**OFFICIAL MINUTES
WOODS CROSS PLANNING COMMISSION
SEPTEMBER 11, 2007
PAGE 5**

overhead, roll up doors would not be for truck access but for forklift access and that no parking or landscaping would be affected.

Commissioner Beecher moved to approve the architectural elevation amendment as presented. The motion was seconded by Commissioner Page and the motion carried.

PLAN AND DRAWING READING

Mr. Stephens presented typical site plan, landscape and elevation drawings and discussed typical elements of the drawings and how to interpret them.

GENERAL AND PENDING

Mr. Stephens noted that he had met with the City Attorney regarding Peak Profile. The City Attorney indicated he thought the situation was workable. The Commission directed Mr. Stephens to write a letter to Peak Profile with a clear a deadline for them to submit a concept plan of what they are proposing to resolve their outside storage issues.

ADJOURNMENT

There being no further business before the Commission, Commissioner Bassarear made a motion to adjourn the meeting at 8:35 P.M.

David C. Hill, Chairman

Marcee Morris, Secretary