

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
June 04, 2014**

The Millard County Planning Commission met on Wednesday June 4, 2014 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Molly Stevens ..... Planning Commissioner  
Joyce Barney..... Planning Commissioner  
Gary Walker ..... Planning Commissioner  
David Sturlin ..... Planning Commission Vice Chairman  
Brent Blake ..... Planning Commissioner

**EXCUSED:** Gordon Chatland ..... Planning Commission Chairman  
Greg Greathouse..... Planning Commissioner  
Richard Waddingham ..... Millard County Attorney

**ALSO PRESENT:**

Sheryl Dekker ..... County Planner  
Angi Meinhardt ..... Secretary  
Bruce Parker ..... Planning and Development Services, LLC  
Daron Smith ..... Millard County Commissioner  
Alan Roper ..... Millard County Commissioner  
Megan Day ..... Applicant - Pavant Solar, LLC  
Kaylyn Kessler..... Applicant/Owner – McCornwood Enterprises  
Greg Kessler ..... Applicant/Owner – McCornwood Enterprises  
Zane Pentz ..... Sunrise Engineering  
Jake Christensen..... Hawbush Ranches  
Kristi Christensen ..... Hawbush Ranches  
Dean Draper ..... Chronicle Progress

**1. Welcome, Call to Order**

Vice Chairman David Sturlin called the meeting to order at 7:03 p.m. He welcomed all present.

**2. APPROVAL OF MINUTES – May 7, 2014**

The proposed minutes of the regular Planning Commission meeting held May 7, 2014 were presented for consideration and approval. Following review and consideration of minor corrections Planning Commissioner Gary Walker made a MOTION to table approval of the minutes for May 7, 2014 until the July 2

meeting. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

3. **PUBLIC HEARING on MAP ZONE CHANGE APPLICATION #Z-2014-015 from AG20 (Agriculture 20 acre) to RF20 (Range & Forest 20 acre)** for property located at approximately southwest of intersection of W 8900 N (Sheep Trail Road) and N 400 W (N Coats Road) McCornick, Utah – Fillmore Grid. Pavant Solar, LLC – Applicant. McCornwood Enterprises, LLC (Greg Kessler) – Owner. 846.39 acres. (for a 50 MW solar photovoltaic energy generation facility)

Planning Commissioner Gary walker made a MOTION to open the hearing. Planning Commissioner Molly Stevens SECONDED the motion. Voting was unanimous in the in the affirmative.

Megan Day, representative for the applicant for Pavant solar, LLC proposed that the zone AG20 be changed to the zone RF20 for the following reasons. The applicant wants to have each of the parcels zoned as RF20 to develop a Solar Energy facility. She stated that there will be no additional traffic once the construction phase has ended. She stated that the project will support the economy and increase the property taxes for the parcels to be rezoned. She stated that the life of the project will be about 35 years. She said there will be no noise coming from this facility, and noted that the solar panels are only 6 to 7 feet high, and therefore the impacts will be very insignificant.

Vice Chairman David Sturlin asked that the applicant confirm that there are 846.39 acres in the application for a zone change, but there will only be less than 400 acres that would have the array on it. The applicant confirmed the acreage is correct and project would only take 400 acres. Vice Chairman David Sturlin asked about the center pivot and if it would remain agriculture. Megan Day responded that the design is to allow for the existing pivot to work.

Planning Commissioner Gary Walker asked if there would be any glare from the solar panels. Ms. Day said will be no concerns for any glare coming from the project. She said there will be some reflection from the clouds but that it would not be significant. She said there will be no mirrors used at this facility.

Planning Commissioner Gary Walker asked if the power would be available locally. Ms. Day said that the substation is owned by Rocky Mountain power. Megan also stated that a contract has been executed for all electricity and environmental attributes generated by the facility to be purchased for a term of 20 years by the major utility serving the area.

Vice Chairman David Sturlin asked what the consistency on the total voltage for this facility would be annually. Ms. Day responded that it is anticipated that this

plant will generate enough electricity for 12,000 Homes. She said that it would take up to a year to test for more accurate numbers.

Megan Day stated that they are hoping for a completion date for summer of next year. They would like to break ground for this project during the month of October.

Planning Commissioner Joyce Barney asked if there were any comments from the audience. Jake Christensen from Hawbush Ranch approached the Planning Commission. Mr. Christensen said he is concerned about property tax increases on his property as a result of his location next to the project site. He was also worried about after construction if the property value will be consistent. Mr. Christensen said he also had concerns if the property owners could still have livestock on the land. Planning Consultant Bruce Parker asked how much of this property Mr. Christensen owned. Mr. Christensen verified that he has an interest in this property adjacent to the project site.

Greg Kesler Property owner approached the Planning Commission. Mr. Kesler state that his house will be within the same distance of the project as Jake Christensen's new home which is not yet under construction. Mr. Kesler suggested that he sit down with Jake Christensen and discuss more about the facility and their plans as to why it is a great idea for this to be part of their community. Mr. Kesler also stated that they will be putting a fence around the panels. Mr. Kesler stated that this facility will not impact homeowners at all.

Planning and Zoning Director Sheryl Dekker asked if there was currently grazing on the parcels. Ms. Day verified that there will not be any grazing on this part of the property once construction begins.

County Commissioner Daron Smith asked if the applicant is changing the property outside of the project area from green belt. County Planning Director Sheryl Dekker stated that the green belt is not based on the zone but it is based upon the use. Property for rezoning will only be affecting the Kesler farm.

Planning Consultant Bruce Parker stated that this meeting is only to change this zone from an AG20 (Agriculture 20) to a RF20 (Range & Forest 20) zone. The Applicant will have to apply for and get an approval for a C-2 Conditional Use Permit by the Board of the County Commissioners once the zone change is approved.

Planning Commissioner Joyce Barney asked if there would be a dust issue. Planning Consultant Bruce Parker stated that we might want to consider that in the reasonable conditions in the C-2 conditional use permit. Megan Day stated when they have a plan of construction they will be heavily involved and controlling the fugitive dust issues. .

Planning Commissioner Molly Stevens asked if the zone change is approved and the use changes to the solar plant will the applicant have to pay the rollback on the greenbelt taxes for five years. County Planning Director Sheryl Dekker confirmed that if the change was made they applicant will have to pay the rollback.

Vice Chairman David Sturlin explained the process to the adjacent land owners of when they can come in with their concerns. After the zone change has been approved the applicant must go through another process of applying for a conditional use permit for a major solar generation plant. They will again come before the Planning Commission and then the Board of County Commissioners to obtain approval of the CUP. At that time the land owners can come back and discuss their concerns and help establish reasonable conditions for the permit.

Planning Commissioner Brent Blake made MOTION to close the public hearing and Planning Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. The public hearing closed at 7:34pm.

4. **REVIEW and POSSIBLE RECOMMENDATION on MAP ZONE CHANGE APPLICATION #Z-2014-015 from AG20 (Agriculture 20 acre) to RF20 (Range & Forest 20 acre)** for property located at approximately southwest of intersection of 2 8900 N (Sheep Trail Road) and N 400 W (N Coats Road) McCornick, UT –Fillmore Grid. Pavant Solar, LLC –Applicant. McCornwood Enterprises, LLC (Greg Kesler) – Owner. 846.39 acres. (for a 50 MW solar photovoltaic energy generation facility)

Planning Commissioner Molly Stevens declared that she has a possible conflict of interest for this agenda item. Planning Commissioner Gary Walker made a MOTION to send favorable recommendation to change the listed parcels from AG20 (Agriculture 20 acre) to RF20 (Agriculture 20 acre) based on the fact that they meet the conditions of our ordinance on section B. Commissioner Joyce Barney SECONDED the motion. The Voting was unanimous in the affirmative with Planning Commissioner Molly Stevens abstaining from voting.

5. **REVIEW and POSSIBLE APPROVAL** on application #Z-2014-017 for a C-1 Level 2 animal Feeding Operation (AFO) Conditional Use Permit for Phase I of Eskdale Dairy for a 1,000 cow feeding operation. Shiloah Communities, Inc. DBA Eskdale Dairy – Applicant. Corporation of the President of the Aaronic Order - Owner

Vice Chairman David Sturlin recused himself from voting on this application as he is representing Shiloah Communities' application.

David Sturlin represented this application to the Planning Commission. He stated that they will be using the same existing water supply that is already there. He

noted that all of this property is owned by the Corporation of the President of the Aaronic Order.

Planning Consultant Bruce Parker asked if he has been in contact with the Utah Department of environment quality. David Sturlin stated that they will be going through with the environmental process in the next phase of this Operation, but that it is not required for the phase of feeding 1,000 head of cattle. He said that Shiloah Communities have had some contact with the Division of Environmental Quality so they are aware of expanded dairy operation that the Shiloah Communities working toward.

David Sturlin said all the Recommendations in the Staff Report are very reasonable.

Planning Commissioner Joyce Barney made a MOTION to approve the C-1 Conditional Use Permit application # Z-2014-017 based upon the following:

- 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 or sign in a manner that will not be detrimental to adjoining and surrounding properties.
- f) The proposed use 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. (Section 10-8-3- Procedures and Review Standards for Conditional C-1 Use, Conditional C-1 Sign, and Conditional C-2 Sue Applications)

Planning Commissioner Joyce Barney's motion included the following conditions:

- a) The proposed use will be conducted in compliance with the requirements of this Ordinance, all other applicable Land Use Ordinances, and all applicable Land Ordinances, and all applicable Federal, State, or Local requirements and regulations.
- b) The property on which the Conditional Use proposed is of adequate size to permit the conduct of the use a manner that will not be detrimental to adjoining and surrounding properties.

- c) Implement safety programs as required by the OSHA and any other state or federal agencies having jurisdiction over this type of operation and observe all good safety practices particular to animal feeding operations.
- d) Be responsible for own site security.
- e) Implement dust and odor control procedures.
- f) Onsite disposal of dead animals by direct burial.
- g) Collect and spread manure on applicant/owner's fields.
- h) Implement flies and insect control procedures.
- i) Maintain a clean and healthy environment for the community of Eskdale.

Planning Commissioner Gary Walker **SECONDED** the motion. The voting was unanimous in the affirmative with Vice Chairman David Sturlin abstaining from voting.

**6. DISCUSSION - Title 11 Chapter 5 – Concept Subdivisions**

Planning Consultant Bruce Parker presented this discussion. A property owner proposing to subdivide any land located within the unincorporated areas of the County may present a Concept Subdivision Application to the County Planner/Zoning Administrator for the scheduling of a Concept Subdivision Application review by the Planning Commission if desired. Discussion with the Subdivision Application is to create an opportunity for the Applicant to gain an understanding of the County's subdivision requirements, and to obtain Ordinance, and application processing and review information. This concept is so the applicant can be informed about the process. This can be a service and a benefit to the land owner of Millard County at no cost to them.

**7. REVIEW of EXISTING ORDINANCES - TITLE 10, CHAPTER 23 ENFORCEMENT section 10-23-3 –Types of Violations:**

- 1) It shall be unlawful for any person to violate any provision of this Ordinance. Cause the violation of provision of this Ordinance, or Fail or refuse to do some act required under this Ordinance, including
  - a) To engage in any development, use construction, remodeling, or other activity of any nature upon the land and improvements without required Land Use Application approvals.

Millard County Commissioner Daron Smith stated that there is some confusion regarding the intent of this ordinance. He suggested that we have Commissioners and Millard County Attorney reword this ordinance so it is less confusing to the public. He also suggested bringing proposed new language to the next meeting for discussion.

Planning Commissioner Gary Walker stated that if a permit is required for any activity or development of property then a permit must be obtained.

Planning Consultant Bruce Parker stated this was an example of taking the state law and changing the wording so it is more understandable to the public.

Planning Commissioner Joyce Barney suggested adding a foot note that explains it to the public. Planning Commissioner Brent Blake suggested that we make it work for Millard County not the entire state we have a different standard than the state law.

Planning Consultant Bruce Parker stated that he will send down a copy of the existing provisions and the Planning Commission can work on the draft language to work on for the next meeting along with Millard County Ordinance 10-9-4 Prohibited Signs ordinance from the May 7, 2014 meeting.

## **8. PLANNING AND ZONING ADMINISTRATOR'S REPORT**

### **A. Report on Deseret Heritage Park Subdivision**

Millard County Commissioner Alan Roper stated that they have approved the Deseret Heritage Park Subdivision with some provisions that they must adhere to.

## **9. OTHER BUSINESS**

Planning Consultant Bruce Parker had a quick update on the Trans West Express project. They have a note to close comment on the final environment impact study due by next Friday (June 13). Mr. Parker will be providing comments on behalf of Millard County in response to their project. The Bureau of Land Management is looking for a record of decision sometime later this year. Mr. Parker will send copies of response and comments.

## **10. POSSIBLE CLOSED MEETING pursuant to Utah Code Annotated Section 52-4-204 & 205**

## **11. ADJOURNMENT**

Planning Commissioner Joyce Barney made a MOTION to adjourn. Planning Commissioner Gary Walker SECONDED the Motion. The voting was unanimous in the affirmative. The meeting was adjourned at 8:27 pm

Dated this 4<sup>th</sup> day of June, 2014

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Gordon Chatland, Chairman  
Millard County Planning Commission