

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
July 7, 2010**

The Millard County Planning Commission met on Wednesday, July 7, 2010 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Gordon Chatland Board Member
David Sturlin Board Member
Greg Greathouse..... Board Member

EXCUSED: Jim Withers..... Board Member
Joyce Barney Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl L Dekker Millard County Planner
Amber Nickle Secretary
Bruce Parker PDS
James O'Reilly Hamblin Valley Wind Park, LLC
Tiffany James Magnum
Dave Denton Magnum
Sam Quigley Magnum
Bryan Harris First Wind
Pete Sullivan First Wind
Shelly Teuscher..... First Wind

ABSENT: Daron P Smith Millard County Commissioner

1. WELCOME, CALL TO ORDER

Chairman Smith called the meeting to order at 7:01 p.m. He welcomed all present.

2. APPROVAL OF MINUTES April 7, 2010
June 2, 2010

The proposed minutes of the regular Planning Commission meeting held April 7, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner David Sturlin made a MOTION to approve the minutes as corrected. Commissioner Gordon Chatland SECONDED the motion. The voting was unanimous in the affirmative.

The proposed minutes of the regular Planning Commission meeting held June 2, 2010 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Gordon Chatland made a MOTION to approve the minutes as corrected. Commissioner David Sturlin SECONDED the motion. The voting was unanimous in the affirmative.

3. REVIEW AND POSSIBLE APPROVAL OF CONDITIONAL USE PERMIT APPLICATION # Z-2010-012 FOR HAMBLIN VALLEY WIND PARK, LLC (FORMERLY KNOWN AS WASATCH WIND) FOR A MET TOWER LOCATED 11 MILES SOUTHEAST OF GARRISON, UTAH, ON PRIVATE PROPERTY OWNED BY DEARDEN LAND AND LIVESTOCK. FOOTPRINT IS 120 METERS BY 120 METERS.

James O'Reilly approached the podium. David Sturlin noted that the application reads Wyoming instead of Utah and that it needs to be changed.

Chairman Smith asked if anyone had questions or comments. There were no comments or questions from the audience.

Mr. O'Reilly stated that the tower is a slightly different design than those that have been installed by his company at other sites.

Gordon Chatland made a MOTION to approve a conditional use permit with the basis:

- A. The proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the county by providing economic growth.
- The construction of towers would benefit the county by providing jobs and economic growth.
- B. Such use will not, under the circumstances and conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements of the immediate area or the county as a whole.
- No.
- C. The proposed use will comply with the regulations and conditions specified in chapter 10 of the Millard County code for such use.
- Yes.
- D. The proposed use conforms to the goals, policies and governing principles of the county general plan. - Encouraging agricultural use and development.
- The Millard County General Plan supports operations to provide economic growth.
- E. The accessory uses associated with this AFO will support and further the principal use of the property. (Ord. 08-04-01B, 04-01-2008, eff. 04-28-2008)
- Yes.

With the following conditions listed on other conditional use permits for met towers in Millard County.

- Implement good safety policies, programs and procedures while observing and complying with all OSHA and other local, state and federal safety requirements regulating worker safety for this type of project.
- Be responsible for its' own site security.
- Grantee shall be in compliance with all local, state and federal regulations pertaining to this project, including all FCC regulations that are required for this type of facility.
- Submit an incident report on all accidents which occur onsite, and which require major medical assistance, indicating cause of the accident to the Millard Planning and Zoning Department.
- Maintain adequate liability insurance to cover any and all risks that may be incurred during construction and operation of this project and provide Millard County with proof of such insurance.
- Make application with the Millard County Building Official and obtain a Building Permit for the initial construction and operation of this meteorological tower, together with the communication equipment necessary for the operation of this test tower.
- Construct a single temporary meteorological test tower to be erected for the purpose of gathering data and surveying this specific location for the possible future construction of a wind powered electrical generating facility, and furthermore restricts the use of this tower to this function exclusively.
- Use this tower for a maximum of three (3) years from the date construction begins on the tower unless it is determined that a wind powered electrical generating facility is going to be constructed on the site and the tower will function as a permanent structure within the generating facility. Upon the discontinued use of this tower or at the end of this three (3) year period, Grantee shall remove this tower and all of its components and reclaim the land to its original condition.
 - Environmentally impact the site no more than is reasonable and necessary for the normal construction and completion of the project.
 - Restore all of the impacted areas to a condition comparable to its original condition.
 - Remove from the site, all debris and waste accumulated as a result of project activities, including construction debris.
 - Allow authorized county officials the right to access the project site for the purposes of inspection, investigation or enforcement of all applicable regulations, laws or ordinances.

David Sturlin SECONDED the motion. Voting was three (3) in favor of the motion and one (1) opposed.

4. REVIEW AND POSSIBLE RECOMMENDATION FOLLOWING TWO PUBLIC HEARINGS HELD MAY 5, 2010 AND JUNE 2, 2010 REGARDING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A NATURAL OR MANUFACTURED GAS STORAGE AND DISTRIBUTION FACILITY (SALT CAVERN NATURAL GAS STORAGE FACILITY) PROPOSED BY MAGNUM SOLUTIONS, LLC – APPLICANT. THE APPLICATION IS FOR PROPERTY LOCATED SOUTH AND EAST OF THE IPP POWER PLANT AT THE INTERSECTION OF BRUSH WELLMAN HIGHWAY AND JONES ROAD, APPROXIMATELY 10 MILES NORTH OF DELTA. # Z-2010-008

Planning Commissioner Greg Greathouse voiced concern about the wording regarding the groundwater monitoring plan in the draft permit. He stated that he does not believe once every five years is frequent enough to monitor groundwater wells.

Mr. Denton approached the podium and said that once every five years refers to how often the cavern will be monitored to see that it is not leaking. There is more frequent monitoring of water level and quality of groundwater that will take place quarterly. Greg Greathouse stated that he did not see anywhere in the application that stated there would be quarterly monitoring. Mr. Denton said that portion of the groundwater monitoring plan is being worked on.

Samuel Quigly approached the podium. Chairman Smith asked if the slide show that was shown is a final draft. He stated it was not the final draft.

Greg Greathouse asked if Magnum has selected a firm to monitor the groundwater. Greg Greathouse stated that he would like to include in the conditions that the county be notified if there is any contamination of groundwater. Mr. Quigly stated that they would agree to that condition.

Greg Greathouse asked if Magnum would be willing to give a percentage of fees and royalties to Millard County similar to what will be paid to the State Institutions and Trust Lands Administration (SITLA). Greg Greathouse stated that Magnum is paying the state a great deal of money and have not outlined how Millard County will benefit from this project.

Chairman Smith stated that it would be nice for a county commissioner be present to address the questions regarding financial benefits to county.

Mr. Quigly stated that Magnum has specified conditions that the county will be held harmless and the company will take care of all costs regarding reparation of damaged roads, etc. needed for the project. Mr. Denton noted that there will be taxes paid to Millard County due to the location of the project.

Chairman Smith stated that it is frustrating that the county commissioners do not inform the Planning Commission of their specific responsibilities regarding fees and monetary benefits to the county. Greg Greathouse stated that he is not convinced that the benefits outweigh the costs to the county. Chairman Smith stated that the conditions firmly state that there must be a benefit to the county in order to approve an application. Bruce Parker agreed that it is included in the conditions.

Gordon Chatland stated that he believes nine full-time jobs make a big impact to the county. Greg Greathouse stated that the project could negatively impact agriculture and cause a loss of jobs. Gordon Chatland disagrees. He believes nine full time positions in the county would be a fair benefit to the county.

Bruce Parker stated that there are several agencies reviewing the Magnum project and the draft conditional use permits.

Dave Sturlin asked if the company is committed to using local suppliers and contractors. He would like to see that listed in the conditions.

David Sturlin made a MOTION to make a favorable recommendation to the Board of Millard County Commissioners for Conditional Use Permit # Z-2010-008. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative.

Mr. Quigly stated that he will discuss all concerns and issues brought up at this meeting with the proper authorities. He also stated that the Magnum pipeline will be a project that Millard County will be proud of.

5. REVIEW AND POSSIBLE RECOMMENDATION FOLLOWING TWO PUBLIC HEARINGS HELD MAY 5, 2010 AND JUNE 2, 2010 REGARDING AN APPLICATION FOR A CONDITIONAL USE PERMIT FOR A GAS PIPELINE RIGHT-OF-WAY (MAJOR) AND PROPOSED TO BE LOCATED IN MILLARD COUNTY, UTAH. THE GAS PIPELINE RIGHT-OF-WAY (MAJOR) IS PROPOSED TO SERVE A NATURAL OR MANUFACTURED GAS STORAGE AND DISTRIBUTION FACILITY PROPOSED BY MAGNUM GAS STORAGE, LLC. THE APPLICATION IS FOR PROPERTY LOCATED APPROXIMATELY 15 MILES NORTH OF DELTA AND TRAVELS IN A NORTH-EASTERLY DIRECTION EXITING AT THE BOUNDARY OF THE MILLARD-JUAB COUNTY LINE. # Z-2010-009

Greg Greathouse stated he would like to include in the conditions that Magnum construction will not interfere with herding of cattle.

David Sturlin asked Bruce Parker to include the benefits to the county in the conditions of the application.

Gordon Chatland made a MOTION to make a favorable recommendation to the county commission. David Sturlin SECONDED the motion. The voting was three (3) in favor of the motion, and one abstained due to a possible conflict of interest.

6. REVIEW AND POSSIBLE RECOMMENDATION REGARDING AN AMENDMENT TO CONDITIONAL USE PERMIT – #Z-2008-008 BY MILFORD WIND CORRIDOR PHASE II, LLC, FOR A WIND ENERGY SYSTEM (MAJOR). TO AMEND CONDITION #16 REVISING THE DATE WHEN THE CONDITIONAL USE PERMIT WILL EXPIRE FROM AUGUST 1, 2010 TO MARCH 31, 2011.

Bruce Parker approached the podium and explained that the Milford Wind Farm would like to extend the permit until March 31, 2011. The CUP was not recorded until January 1, 2010 because of finalization of specific condition attachments. He also stated that the company has been held back by negative impacts to the economy and the company needs more time to construct the project.

David Sturlin made a MOTION to forward a favorable recommendation to the Board of Millard County Commissioners to extend the date of expiration on CUP # Z-2008-008 to March 31, 2011. Gordon Chatland SECONDED the motion. The voting was three (3) in favor of the motion and one (1) opposed.

7. OTHER BUSINESS

Bruce Parker stated that there is going to be a meeting with State and Federal agencies in Cedar City on July 15, 2010 regarding the Sigurd to Red Butte transmission line. Bruce Parker will attend that meeting and Sheryl Dekker will be excused due to a family conflict.

8. POSSIBLE CLOSED MEETING PURSUANT TO UTAH CODE ANNOTATED SECTION 52-4-4&5

There was none.

9. ADJOURN

Gordon Chatland made a MOTION to adjourn the meeting. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. The meeting adjourned at 8:09 p.m.

Robin Smith, Chairman
Millard County Planning Commission