

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 5, 2011**

The Millard County Planning Commission met on Wednesday October 5, 2011 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: Robin Smith Chairman
Joyce Barney..... Board Member
Molly Stevens Board Member
David Sturlin..... Board Member

EXCUSED: Gordon Chatland Board Member
Gary Walker Board Member
Greg Greathouse Board Member
Sheryl Dekker..... County Planner

ALSO PRESENT:

Richard Waddingham County Attorney
Amber Nickle Secretary
Blair Cropper Cardwell
Brian Henrie Bulldog Construction
Mike Stoker Property Owner
Bryan Harris First Wind
Bruce Parker PDS
Leo Stott Property Owner
Lou Brown SITLA
Van Stott..... Property Owner

1. Welcome, Call to Order

Chairman Smith called the meeting to order at 7:05 p.m. and welcomed all present.

2. APPROVAL OF MINUTES – September 7, 2011

The proposed minutes of the regular Planning Commission meeting held September 7, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Joyce Barney made a MOTION to approve the minutes, as corrected. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

3. PUBLIC HEARING for the Purpose of Receiving Public Comment on Application # Z-2011-018 for a Conditional Use Permit for a Wind

Energy System (Major) proposed by Milford Wind Corridor Phase III, LLC – Applicant. The application is for property located approximately 12 miles north of Milford on the west side of State Road 257

Planning Commission Chairman Robin Smith stated that he did not see public hearing notice in the Chronicle Progress as required. County Attorney Richard Waddingham recommended that the Planning Commissioners take public commentary at this meeting, and that the Public Hearing be published for action on the agenda item at the next Planning Commission meeting.

- *A public hearing will be advertised in the local paper before the next scheduled Planning Commission meeting.*

Chairman Smith asked for commentary about the project.

- Leo Stott introduced himself at the podium. He said he is a landowner of the LB Ranch. He said there has not been a viable use for his land in this location for many years and the project would give it a use that he could financially benefit from. He said currently the land is being used for cattle grazing. David Sturlin asked if he was okay with a new road being built going straight through his property. Mr. Stott said he was good with it. Vance Stott agreed with Leo Stott's statement.
- Brian Henrie with Bulldog Construction said he would like the project to come to Millard County because it will bring more construction work to Millard County residents.
- Blair Cropper with Cardwell said he supports the project and the closer they get to Millard County the more work that is generated for him and his employees.
- Lou Brown, State of Utah School and Institutional Trust Lands Administration (SITLA) representative said that they have dealt with First Wind for several years and he recommends approval of the application for more economic development benefits. He said it would bring more revenues to the county and benefit the schools. Mr. Brown said he sees no conflict and the cows would still be able to graze on the land.

Bryan Harris, Utah Development Manager for First Wind, gave a presentation about the Milford Wind Corridor Phase III project. He said Phase I and Phase II have provided about 100 jobs in the last two years. Currently there are 35 full time employees. In 2010 about \$400,000 was paid to Millard County in property taxes. Phase 3 would include up to 40 turbines would be located in Millard County and each one would generate about \$35,000 in property taxes per year (\$1,400,000).

Mr. Harris gave an overview of what Phase III would consist of. He showed the Planning Commission where this phase would be located in Millard County. Mr. Harris said that eight of the ten landowners have already signed contracts and the other four are currently in the negotiation process. Chairman Smith asked if there was a set amount that landowners are given in a lease. Mr. Harris said there is an amount offered depending on the number of turbines located on the private land owner's property.

Planning Commissioner David Sturlin asked where the turbines would be laid out on the footprint. Mr. Harris stated that the turbines will be in straight rows, close to a road, and the power generated would be sent a substation.

Bruce Parker, Land Use Consultant for Millard County, asked Mr. Harris why there were some properties that were immediately adjacent to the proposed wind farm but not included in the project. Mr. Harris said that if they have a willing land owner they would make an offer and contract with them but if the landowner does not want to be involved or doesn't care, then First Wind does not include them in the negotiations. However, First Wind is willing to make future contracts with landowners if they become interested in the future.

Mr. Harris said that First Wind has been asked by Utah Division of Fish and Wildlife (DWR) to put their turbines at least a quarter mile off the highway because there are eagles that look for road kill on State Highway 257. First Wind is currently working on an environmental assessment report and plan to publish it soon for distribution to the Planning Commission.

Mr. Harris stated that it is critical for construction to begin in November 2011 and be completed by the end of 2012 in order to receive all government funding available for this renewable energy project.

Mr. Harris pointed out the Millard County Preferred Utility Corridor and the Federal West Wide Energy Corridor (WVEC) on a map and where First Wind wants to place turbines in Phase III. Bruce Parker explained that when Millard County created the official Millard County Major Utilities Corridor map, they worked with the Bureau of Land Management (BLM) in a cooperative effort to align with the WVEC. Millard County included Intermountain Power Agency's (IPA) current transmission line and extended the county corridor one mile to the west. The current WVEC corridor includes 1750 ft to the west and 1750 ft to the east of IPA's transmission line.

Chairman Smith asked if First Wind has discussed putting the wind turbines close to IPA's transmission lines. Mr. Harris stated that they have discussed the project with IPP and they are okay with it as long as the turbines do not interfere with their existing power lines.

Mr. Harris stated that the underground power lines are compatible with the corridor issues. He stated that they believe they can remain in compliance with the County's General Plan and they have a few ideas of how to remain in compliance with the WWEC.

Joyce Barney asked what type of lines would interfere with their turbines. Mr. Harris said that overhead transmission lines would interfere.

Mr. Harris noted said that there are certain areas that have more wind than others. The areas further west and south generate less wind. It is not viable for them to go further west than they are right now.

Joyce Barney asked how long they have been studying the wind in the area. Mr. Harris said they have been studying the wind since 2004.

Joyce Barney asked how many of the 40 turbines in Millard County would be in the WWEC. Mr. Harris said about ten.

Chairman Smith asked if there were any other questions or comments from the audience.

Lou Brown asked what the process is to move the corridor. Bruce Parker said the first step is to make a change in the *General Plan* and the Official Map. Any amendments to the WWEC would trigger the National Environmental Policy Act (NEPA) and a lengthy process to develop an environmental impact statement (EIS).

Mr. Harris stated that there are approximately three miles of the private or state lands that lie within the Millard County Preferred Transmission Corridor. He suggested that the corridor would need to be shifted to allow for the proposed project. He stated that the way First Wind has interpreted the language in the *General Plan* and the Millard County Code, turbines would be allowed in the RF (Range and Forest) zone with reasonable conditions or a conditional use permit.

There was continued discussion as to how the project might be in compliance with *General Plan* and the County Code so that First Wind could move forward with Phase III.

- Bruce Parker stated that he will meet with the County Planner and the County Attorney before next Planning Commission meeting to determine if there is a way to work out the issues with Phase III.

Commissioner Joyce Barney made a MOTION to table the application and public hearing until the next meeting and include all public comments from this meeting on the public record as part of the public hearing process. Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

4. REVIEW and POSSIBLE RECOMMENDATION on Application # Z-2011-018 for a Conditional Use Permit for a Wind Energy System (Major) proposed by Milford Wind Corridor Phase III, LLC – Applicant

Tabled until November meeting.

5. BRUCE PARKER – Millard County Zoning Ordinance

Bruce Parker stated that he has no new changes for the board since his time has been spent with First Wind and Rocky Mountain Power projects.

6. OTHER BUSINESS

There were none.

7. Possible Closed Meeting Pursuant to Utah Code Annotated Section 52-4-4&5

There were none.

8. Adjourn

Molly Stevens made a MOTION to adjourn. David Sturlin SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 8:42 p.m.

Robin Smith, Chairman
Millard County Planning Commission