

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
October 6, 2010**

The Millard County Planning Commission met on Wednesday October 6, 2010 at the Millard County Offices, 71 South 200 West, Delta, Utah.

**PRESENT:** Robin Smith ..... Chairman  
Greg Greathouse ..... Board Member  
Joyce Barney..... Board Member  
Molly Stevens ..... Board Member  
David Sturlin ..... Board Member  
Gordon Chatland ..... Board Member  
Jim Withers..... Board Member

**EXCUSED:**

**ALSO PRESENT:**

Richard Waddingham ..... County Attorney  
Sheryl L Dekker ..... Millard County Planner  
Amber Nickle ..... Secretary  
Tony Fuller ..... ADF Holdings LC  
Monica Bonner ..... Wasatch Wind  
Barney Bonner ..... Wasatch Wind  
David Daniel ..... Applicants  
Patricia Daniel ..... Applicants  
Felix Delgadillo ..... Citizen  
Rafael Villa ..... Citizen  
Bryan Harris ..... First Wind  
Pete Sullivan ..... First Wind  
Craig Greathouse ..... Millard County Commission

**1. Welcome, Call to Order**

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

**2. APPROVAL OF MINUTES – September 1, 2010**

The proposed minutes of the regular Planning Commission meeting held September 1, 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.

**3. REVIEW AND POSSIBLE RECOMMENDATION Following a Public Hearing Held September 1, 2010 on Proposed Amendments to the Millard County General Plan – Utilities Element and Major Utilities Corridor Official Map.**

There was discussion on the wording of the proposed amendments. Greg Greathouse made a MOTION to make a favorable recommendation to the county commission with minor changes to the amendments. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative.

- See attached *Ordinance and Attachment A - Millard County General Plan – Utilities Element; County Goals, Objectives and Implementation Strategies*

**4. CONSIDERATION AND POSSIBLE RECOMMENDATION of Non Plat Subdivision Application # Z-2010-020 by David and Patricia Daniel for property located West of Hinckley, Utah in Sec 25, T17S, R8W. Five 20+ Acre Lots in the AG 20 Zone.**

David Daniel approached the podium. Robin Smith clarified where the property was located. After some discussion it was determined that there was no county road access to the land that they wanted to divide and therefore did not meet the required criteria for a non-plat subdivision. Gordon Chatland made a MOTION to deny the application. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

**5. CONSIDERATION AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-021 for Hamblin Valley Wind Park, LLC (for a Met Tower Located One (1) Mile Southeast of Garrison, Utah, on Private Property Owned by Baker Ranches, Inc. Footprint is 120 meters by 120 meters.**

Monica Bonner approached the podium. Sheryl Dekker, the County Planner, had provided a draft conditional use permit with conditions that would be used if this agenda item was approved. The planning board and Monica Bonner pointed out a few corrections. Molly Stevens made a MOTION to approve the conditional use permit. The basis for issuance of the conditional use permits are:

**10-7-6: BASIS FOR ISSUANCE OF CONDITIONAL USE PERMIT:**

*The planning commission shall not authorize a conditional use permit unless evidence is presented to establish:*

*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.

The proposed use will provide local jobs and taxes.

- 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.*
- C. The proposed use will comply with the regulations and conditions specified in this chapter for such use.*
- D. The proposed use conforms to the goals, policies and governing principles of the county general plan.*
- E. That, for uses designated as accessory uses, the use will support and further the principal use of the property. (Ord. 08-04-01B, 4-1-2008)*

#### Conditions Imposed by the Conditional Use Permits are:

- 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 own site security.
- 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.
- Be allowed to 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.
- Existing roads and trails will be used for travel to the maximum extent feasible unless otherwise authorized. During wet road conditions, any ruts remaining on the roads from Grantee's vehicles will be repaired to their original condition as soon as reasonably possible. The cost for such repairs will be borne by the Grantee and any work will be coordinated with SITLA, BLM and/or landowner.
- Where "cross country" access is necessary, clearing vegetation or grading a roadbed will not be authorized. All construction and vehicular traffic shall be confined to the right-of-way or designated access routes, roads or trails unless otherwise authorized in writing by SITLA, BLM and/or landowner. All temporary roads used for construction will be rehabilitated after construction is completed.

David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

## **6. Other Business**

Mr. Fuller was called forward at the beginning of the meeting at 7:07p.m. to address the issue he came to discuss. Meeting minutes from January 4, 2006 and February 1, 2006 were given to the board for review. ADF Holdings was required to get a bond on their gravel pit. They have raised the issue that they were the only ones required to get a bond. Mr. Fuller, owner of ADF Holdings, would like to get his bond back since no one else has been required to get one. This issue was discussed in County Commission meeting on October 5, 2010. The Board of County Commissioners asked the County Planner, to take it back to the Planning Commission to make a decision since it was a conditional use permit issued by them, not the BOCC.

There was discussion among the board.

Robin Smith stated that a motion needed to be made to change the original conditional use permit if the bond was to be given back. Robin Smith stated that if Mr. Fuller wanted to dig a hole on his property he should be able to without a bond. Greg Greathouse stated that the bond is a good idea to protect the county's interest. Greg Greathouse stated that other gravel pits should have a bond also.

Robin Smith stated that the issue was a bigger item than could be taken care of in "other business" and should be put on the November 3<sup>rd</sup> agenda.

Greg Greathouse made a MOTION to table the item until next meeting to be included in the agenda. Joyce Barney SECONDED the motion. Voting was 5 in favor 1 against.

- Agenda item for November 3, 2010

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

**8. Adjourn**

Gordon Chatland made a MOTION to adjourn. Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The meeting adjourned at 8:39pm.

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Robin Smith, Chairman  
Millard County Planning Commission

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF MILLARD COUNTY, UTAH  
AMENDING THE GENERAL PLAN AND MAJOR UTILITIES CORRIDOR  
and  
OFFICIAL MAP OF MILLARD COUNTY**

**WHEREAS**, the Millard County Planning Commission and the Millard County Board of County Commissioners have now completed the public hearings and public processes required to amend the Millard County General Plan; and

**WHEREAS**, the Millard County Board of County Commissioners have received a recommendation from the Millard County Planning Commission recommending that various County Goals, Objectives and Implementation Strategies be amended; and

**WHEREAS**, the Millard County Board of County Commissioners have now considered the recommendation of the Planning Commission and all other verbal and written comments received; and

**WHEREAS**, the Millard County Board of County Commissioners finds that amendments to the County Goals, Objectives and Implementation Strategies and related to the Utilities Element are necessary and appropriate; and

**WHEREAS**, the Millard County Board of County Commissioners find that it represents sound policy for Millard County to adopt revised Utilities Element - County Goals, Objectives and Implementation Strategies.

**NOW, THEREFORE, the County Legislative Body of Millard County ordains as follows:**

**Section 1 – Enactment.** This Ordinance is hereby enacted and adopted, providing for necessary amendments to County Goals, Objectives and Implementation Strategies, as identified as Attachment A, attached hereto and incorporated herein by reference.

**Section 2 – Effective Date and Reference.** This Ordinance shall take effect fifteen (15) days from the passage thereof and upon publication of this ordinance or a summary thereof in the Millard County Chronicle-Progress, a newspaper having general circulation within Millard County, Utah. A copy of this Ordinance shall be deposited in the office of the Millard County Clerk and shall be available at said Clerk’s office for review.

**Section 3 – Severability.** If any section, part, or provision of this Ordinance is held to be invalid or unenforceable by a court of competent jurisdiction such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all sections, parts and provisions of this Ordinance shall be severable.

**Section 4 – Repeal of Conflicting Ordinances.** To the extent that any ordinances or policies of Millard County conflict with the provisions of this ordinance, they are hereby amended to be in accordance with the provisions hereof.

**PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS OF MILLARD COUNTY, UTAH ON THIS \_\_\_\_\_, 2010.**

VOTING

Commissioner Greathouse

\_\_\_\_\_ Yes

\_\_\_\_\_ No

Commissioner Smith

\_\_\_\_\_ Yes \_\_\_\_\_ No

Commissioner Whatcott

\_\_\_\_\_ Yes \_\_\_\_\_ No

MILLARD COUNTY COMMISSION

By: \_\_\_\_\_  
Daron P. Smith, Chairperson

ATTEST: \_\_\_\_\_  
Norma Brunson, Clerk

## ATTACHMENT A

### Millard County General Plan – Utilities Element County Goals, Objectives and Implementation Strategies

#### Utilities

County residents support the expansion of public utilities within existing communities or into areas designated for future growth and development.

**Objective:** *Encourage the coordinated planning and delivery of public utilities.*

#### Implementation Strategies:

- Develop a County capital facilities plan identifying a priority of services needed and where.
- Establish specific utility service areas, based upon the location of existing development and service lines.
- Identify areas where new development will most likely occur due to the availability of existing services or the ease of extending existing service lines. To avoid development "sprawl", services should be provided only to areas as scheduled.
- Provide opportunities for utility providers to meet with county planners to coordinate service extension areas.
- On request, provide developers and utility providers with maps and plans of future growth sites.
- Encourage underground installation of all new construction and conversions to underground where feasible.

**Objective:** *Coordinate with all Federal and State Agencies and all utility providers the County's preferred locations for all utility facilities and utility transmission corridors.*

#### Implementation Strategies:

- Unless directly associated with a "Electric Generating Facility" or "Wind Energy System (Major)" located in the County, Require that all new major utility facilities and transmission corridors, with an interstate or intrastate purpose "Electric Transmission Right-of-Way (Major)," "Gas Pipeline Right-of-Way (Major)," and "Petroleum Pipeline Right-of-Way (Major)" with an interstate or intrastate purpose shall be located within the "West-wide Energy Corridor," as identified by Millard County's Official Map, and in compliance with all County Land Use Ordinances.
- If location within the West-wide Energy Corridor for a new "Electric Transmission Right-of-Way (Major)," "Gas Pipeline Right-of-Way (Major)," or "Petroleum Pipeline Right-of-Way (Major)," is not determined to be unfeasible, as determined by Millard County, (and not associated with a "Electric Generating Facility" or "Wind Energy System (Major)" located in the County), require the location of all new utility transmission major and minor utility facilities and transmission corridors shall be , to be located immediately adjacent to an existing utility facilities and transmission corridor, in compliance with all County Land Use Ordinances. s. "Immediately adjacent" shall mean located so as to share a common boundary with any right-of-way, easement, parcel, lot, or other recorded instrument.
- A new "Electric Transmission Right-of-Way (Major)," "Electric Substation (Major)," "Gas Pipeline Right-of-Way (Major)," or "Petroleum Pipeline Right-of-Way (Major)," and proposed outside of the West-Wide Energy Corridor, or not immediately adjacent to an existing transmission corridor, shall apply for, and shall have approved, a Millard County General



Plan and Utilities Corridor Map amendment prior to the approval of any required land use application(s).

- A Millard County General Plan Amendment Application and/or a Utilities Corridor Map Amendment Application may, at the discretion of the Millard County Planning Commission, be considered concurrently with a Land Use Application necessary to permit a “Electric Generating Facility,” “Wind Energy System (Major),” “Electric Transmission Right-of-Way (Major),” “Gas Pipeline Right-of-Way (Major),” or and “Petroleum Pipeline Right-of-Way (Major).”
- The location and operation of all utility facilities and transmission corridors shall not harm the quality, quantity and integrity of all surface and groundwater resources. No major utility facilities and transmission corridors shall be permitted in the floodplain or to cross the Sevier River, or any other permanent river, stream, or other surface water of Millard County.
- **The location and operation of all major utility facilities and transmission corridors located in Millard County shall not harm the viability of any agriculture activities or the agricultural base of Millard County.**
- The Millard County Major Utility Corridors Official Map shall identify the location of the West-Wide Energy Corridor and all major utility transmission corridors.
- Coordinate with neighboring Counties, including Juab, Sevier, and Beaver Counties on the location of all interstate and intrastate utility facilities and transmission corridors.
- The location of utility facilities and transmission corridors with an interstate or intrastate federal purpose should be located so as to avoid impacts and locations on privately owned lands located within Millard County.
- For the purposes of land use planning and land use application review and approval procedures provide a definition for “major and “minor” utilities and transmission facilities in the Millard County Code.
- Make all necessary revisions and amendments to the Land Use Ordinances of the County to provide for, and facilitate, the establishment of the “West-wide Energy Corridor” in the County’s preferred location, as identified by Millard County’s Official Map.

**Objective:** *Continue to ensure the utility needs of the County are met concurrent with County growth and development while mitigating any impacts to residents, businesses and property owners.*

- Minimize as much as practicable, all negative impacts and disruptions to existing uses, including farmlands and prime agricultural lands that may be created by utility facilities and transmission corridors.
- Make all necessary revisions and amendments to the County’s Land Use Ordinances to provide for major and minor utilities consistent with the requirements of Federal and State laws, as applicable.
- Monitor the changing technologies of the utility industry for changes that may affect the County.

- Make necessary proactive revisions and update amendments to the County's Land Use Ordinances necessary to provide appropriate responses to changes occurring in the utilities industry.

**Objective: Continue to support the development of existing energy sources and support the development and use of "green" renewable energy sources.**

**Implementation Strategies:**

- Provide within the zoning structure of the County requirements that address both large-scale commercial and private small scale energy systems including systems that may provide electrical power by utilizing fossil fuels, water, wind, solar and geothermal energy sources.
- Include provisions within the Land Use, and other Ordinances of the County that address and provide reasonable opportunities for the installation of various types and sizes of renewable energy systems.