

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
October 7, 2015**

The Millard County Planning Commission met on Wednesday October 7, 2015 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Gary Walker Planning Commission Vice Chairman
Joyce Barney Planning Commissioner
Molly Stevens Planning Commissioner
Tom Nielson Planning Commissioner

EXCUSED: Jodi Robison Planning Commissioner
Greg Greathouse Planning Commissioner

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt Secretary
Richard Waddingham Deputy County Attorney
Dean Draper Millard County Commissioner
Bruce Parker Planning & Development Services, LLC
Jason Brunson Millard County Land Owner
Scott Barney Millard County Economic Development
Ray Lyman Citizen/Applicant
Steve Styler Attorney for Ray Lyman
Delynn Rodeback Rocky Mountain Power Property Agent
Brad Richardson Rocky Mountain Power Project Manager
Don Watts Rocky Mountain Power Regional Business Manager

PURSUANT TO AN AGENDA WHICH HERETOFORE HAD BEEN PROVIDED to each member of the Planning Commission, posted at the Millard County Offices in Delta, the Public Safety Building in Fillmore, and the Main Street Courthouse in Fillmore, posted on the Utah Public Notice Website and the Millard County Website, and provided to the Millard County Chronicle Progress, a newspaper of general circulation with in Millard County, Utah as required by law, the following proceedings were had:

1. Welcome, Call to Order

Planning Commission Chairman David Sturlin called the meeting to order at 6:34 p.m. He welcomed all present.

2. APPROVAL OF MINUTES –

The proposed minutes of the regular Planning Commission meeting held September 2, 2015 were presented for consideration and approval. Following

review and consideration of minor corrections Planning Commissioner Joyce Barney made a MOTION to approve the minutes for September 2, 2015 as corrected. Planning Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

3. **REVIEW and POSSIBLE RECOMMENDATION** on a C-2 Conditional Use Permit Application for a ½ mile 345kV Transmission line from the ECG Utah Solar 1, LLC Energy System (major) to the IPSC Interconnect line to provide power to southern California municipalities. Application # Z-2015-021. ECG Utah Solar 1, LLC – Applicant. Utah State School and Institutional Trust Lands Administration (SITLA) – Owner. (See Staff Report from September 2 meeting).

Commissioner David Sturlin stated that the next two agenda items need to be tabled and should not be considered at this time. The BOCC did not make a decision on these applications to amend the General Plan at their October 6th, 2015 County Commission meeting.

Commissioner Tom Nielson made a MOTION to table agenda item 3 for application #Z-2015-021. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

4. **REVIEW and POSSIBLE RECOMMENDATION** on a C-2 Conditional Use Permit Application for an Electrical Substation (major) to allow a 345kV transmission line (major) from the ECG Utah Solar 1, LLC solar energy project to the IPSC Interconnect line to provide power to southern California municipalities. Application # Z-2015-020. ECG Utah Solar 1, LLC – Applicant. Utah State School and Institutional Trust Lands Administration (SITLA) – Owner. (See Staff Report from September 2 meeting).

Commissioner Tom Nielson made a MOTION to table agenda item 4 for application # Z-2015-020. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

5. **REVIEW and POSSIBLE RECOMMENDATION** on Application for a C-2 Conditional Use Permit to allow for Construction and Operation of a Solar Energy System (Major). Pavant Solar II, LLC – Applicant. McCornwood Enterprises, LLC (Greg Kesler) - Owner. Application # Z-2015-026. (See Staff Report from September 2 meeting).

Millard County Planner Sheryl Dekker stated that the zone change was approved by the BOCC at the October 6th meeting. The conditional use permit for Application Z-2015-026 is ready to make a recommendation to the BOCC.

Commissioner David Sturlin asked if we could incorporate the conditions that are listed on the staff report. County Planner Sheryl Dekker stated that there are

about 10 conditions listed in the staff report that are identical to the conditions in phase I for Pahvant Solar, LLC.

Commissioner Gary Walker asked if there have been any changes in the staff report since the last Planning Commission meeting. Commissioner Joyce Barney stated that there was not much discussion about this application during the last Planning and Zoning meeting because it was tabled.

Gary Walker made a MOTION to make a favorable recommendation to the BOCC for application Z-2015-026 for a C-2 Conditional Use Permit for Pavant Solar II LLC, with the findings as listed in the staff report and following the conditions as recommended by the County Planner. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

6. **PUBLIC HEARING** for the purpose of receiving public comment on proposed amendment to the Millard County Zoning Ordinance - Map, to allow for a change to the Official Zoning Map from AG20 (Agriculture Twenty Acres) to AI (Agriculture Industrial). Ray E. Lyman and Colleen Lyman – Applicants/Owners. Application # Z-2015-028.

Commissioner Gary Walker made a MOTION to open a public hearing for application #Z-20105-028. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was opened at 7:03 pm.

Attorney Steven Styler along with Ray Lyman approached the Commission. Attorney Styler stated they have filed this application for a zone change as a condition precedent prior to moving forward on a conditional use permit for the development of C-2 Level 3 CAFO (Concentrated Animal Feeding Operation). The property is approximately 80 acres in section 35 in T15S R7W. This property is east of the Delta Egg Farm, South and West of Magnum Resources, and in the general vicinity of IPP. Attorney Styler stated that there are other properties in the area that are zoned as industrial. They would like to meet the obligation to file the zone change before moving forward on seeking a permit for the CAFO.

Ray Lyman stated that he is wanting to build a feed lot on the 80 acres for a beef cattle operation. There would be 5,000 to 10,000 head of cattle included in this operation. Attorney Styler stated that they also have a pending application with The Division of Environmental Quality and Division of Water Rights. Commissioner David Sturlin stated that this is the proper first step in getting his CAFO permit.

Commissioner David Sturlin stated that the Board of County Commissioners is the land use authority to approve the zone change. He then stated that it meets the consistency and criteria of the General Plan.

Commissioner Gary Walker asked if all the neighboring property owners have been notified. Millard County Planner Sheryl Dekker confirmed that packets have been mailed out to all neighboring property owners.

Commissioner Tom Nielson asked if there are any homes close to the 80 acres. Ray Lyman stated that the nearest home is about 1.2 miles away. There is a home to the South and one to the West of the property. Commissioner Joyce Barney asked, with a 10,000 cow operation how far away the existing homes have to be. Commissioner Gary Walker stated that the homes have to be 1 ½ miles away.

Commissioner Gary Walker made a MOTION to close the public hearing for application # Z -2015-028. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. Public hearing closed at 7:10 pm.

7. **REVIEW and POSSIBLE RECOMMENDATION** on Application for a change to the Official Zoning Map from AG20 (Agriculture Twenty Acres) to AI (Agriculture Industrial) for the purpose developing a C-2 level 3 AFO (Animal Feeding Operation). Ray E. Lyman and Colleen Lyman – Applicants/Owners. Application # Z-2015-028.

Commissioner Joyce Barney made a MOTION to make a favorable recommendation to the BOCC for the zone change on application #Z-2015-028 and include all recommendations that have been provided by the County Planner in the staff report. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

8. **REVIEW and POSSIBLE DECISION** on Application for a C-1 Conditional Use to allow for the Construction of a new Single Circuit 138,000 Volt transmission line and metering station. The project begins near Highway 50 and 1200 West in the old Railroad right of way and will run south for approximately 8 miles to Old Field road NW of Fillmore, UT. Rocky Mountain Power – Owner. Application # Z-2015-030.

Don Watts, agent for Rocky Mountain Power approached the commission. He stated that this is for a single circuit 138,000 kilovolt (kV) transmission line and metering station. This line will be built to the 138,000 kV standard, but initially the line will be energized at 46,000 kV. He stated that the 138,000 kV is a potential number for the future. Another reason they would build this at 138,000 kV is for avian protection. They are required by Federal agencies to keep 60 inches between the live wires and the ground wires.

Commissioner Gary Walker asked what the purpose is for adding this line. Don Watts stated one of the reasons for the line is to help the with the electrical load growth on the east side of the County. The other reason is to upgrade the county's local service. Don Watts stated that they have recently updated the

Black Rock substation on the West side of the county. He stated that there is more to be done in the future to help our electrical load growth.

Commissioner David Sturlin stated that this is a C-1 Conditional Use Permit and the Millard County Planning Commission will be the land use authority for this application.

Scott Barney Millard County Economic Development, approached the Commission. He stated that he has spoken with Don Watts and his colleague. He stated that Rocky Mountain power has contracts in place for the co-use of power. Scott Barney then stated that the east side of the county is very hopeful for this project.

Don Watts verified that each of the communication companies that they have been working with have a joint use contract in place. There is a process that they will have to follow to get a connection to the line. They will also have to meet Rocky Mountain Power safety requirements. If they identify any issues with the other companies, Rocky Mountain Power will have to mitigate. He stated that Rocky Mountain Power will also be giving other companies access to the lines so other parties can trench or bury their lines.

Commissioner Gary Walker asked if there would be any impact to private land when using the existing road right of ways. Don Watts stated that the right of way is on private land owned by Rocky Mountain Power. Don Watts stated that there are two small sections that they cannot find ownership papers on but they could possibly belong to the railroad. They are working to find ownership before the construction begins. There is one owner that built a pivot across their property. But they are working with the property owner to get that fixed.

Don Watts showed the Commission some maps that included the meter station and the layout of the transmission lines. He stated that the access road will be maintained but shifted to the west. He stated that farmers will still have access to these roads.

Neighboring property owner Jason Brunson approached the commission. He stated that he is wanting to build a home on his property. He is concerned about what affect these lines will have to his property. Don Watts and Jason Brunson reviewed a map that Jason Brunson has provided. Don Watts stated that Jason Brunson will not have any problems from the power lines.

Jason Brunson is concerned about EMF (electric magnetic fields). Don Watts stated that The National Department of Health has just completed a study on EMF's. They have also done a study on a double circuit 138 kV line, and if you were to stand directly underneath it with the wires 40 to 50 feet above you, you would reach 80 milo gauss, which is much less than a hair dryer.

Jason Brunson would like to have a deal with Rocky Mountain Power so he may continue to move his cattle back and forth from pasture through the right of way. Don Watts stated that they are using property that Rocky Mountain Power owns, but Rocky Mountain Power is willing to work with Mr. Brunson if he needs access to get his cattle across. Don Watts does not see any concerns with that.

Commissioner David Sturlin asked if there are any questions about the reasonable conditions listed in the staff report. Don Watts stated that there is nothing that stands out that would be unreasonable. Don Watts stated that they will be contracting this project out to an electrical contractor, and they would like the contractor to be able to work with the county on some aspects.

Commissioner David Sturlin stated that if Rocky Mountain Power chooses to use subcontractors, Rocky Mountain Power will still be the responsible agent to make sure that the contractors comply with conditions. Rocky Mountain Power Project Manager Brad Richardson stated that he will make sure that all the contractors comply with the conditions. Planner Sheryl Dekker stated she will add that to the recommendations.

Commissioner Gary Walker made a MOTION to approve a C-1 Conditional Use permit for application Z-2015-030 based on the facts listed in the staff report including the recommendations:

Basis for Issuance of a Conditional Use Permit:

- a) The proposed use is a Conditional Use within the Zoning Districts as identified in the 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 the 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.

Rocky Mountain Power must also comply with all other recommendations listed in the staff report. Commissioner Joyce Barney **SECONDED** the motion. The voting was unanimous in the affirmative.

9. PLANNING and ZONING ADMINISTRATOR'S REPORT

- Draft Subdivision Ordinance
 1. Discuss Key items in ordinance
 2. Review Certificates of approval for subdivisions
- Set Tentative Planning Commission Public Hearing for January 6th, 2016 to hear public comments on the “draft” subdivision ordinance.
- BOCC Decision on McCornwood Enterprises zone change Z-2015-025
- BOCC Decision on ECG Utah Solar 1, LLC General Plan Amendment Z-2015-022

Millard County Planner Sheryl Dekker stated that the zone change for McCornwood Enterprises application # Z-2015-025 has been approved by the BOCC.

Millard County Planner Sheryl Dekker then stated that the ECG Utah Solar 1, LLC General Plan Amendment Z-2015-022 has been opposed by Magnum. This application will have to come back to the Commission before it goes back to the BOCC.

There was some discussion about some changes that the subcommittee suggested to change in the subdivision ordinance. Planning Development Services LLC Bruce Parker stated that we should add shared wells as an agenda item at the next meeting. There was some discussion to have a work meeting for the draft subdivision ordinance in December and public hearing in January 2016.

10. PUBLIC INPUT - None

11. OTHER BUSINESS - None

12. POSSIBLE CLOSED MEETING Pursuant To Utah Code Annotated Section 52-4-204 & 205

13. 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 8:01pm.

Dated this ___ day of _____ 2015
David Sturlin, Chairman
Millard County Planning Commission