

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
September 2, 2015**

The Millard County Planning Commission met on Wednesday September 2, 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
Jodi Robison Planning Commissioner
Greg Greathouse Planning Commissioner

EXCUSED:

ALSO PRESENT:

Sheryl Dekker Millard County Planner
Angi Meinhardt Secretary
Richard Waddingham Deputy County Attorney
Dean Draper Millard County Commissioner
Alan Roper Millard County Commissioner
Josh Case CEO Energy Capital Group
Scott Barney Millard County Economic Development
Jon Finlinson IPSC
Zane Pentz Sunrise Engineer
Greg Kesler Double Doller Livestock
Rand Crafts Millard County Resident

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; 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 6:34p.m. He welcomed all present.

2. APPROVAL OF MINUTES –

The proposed minutes of the regular Planning Commission meeting held August 5, 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 August 5, 2015 as corrected. Planning Commissioner Jodi Robison SECONDED the motion. The voting was unanimous in the affirmative.

3. **6:51 p.m. PUBLIC HEARING** for the purpose of receiving public comment on proposed amendments to the Millard County General Plan, Utilities Element, to allow for a change to the Major Utility Corridor Map. ECG Utah Solar 1, LLC – Applicant. Utah State School and Institutional Trust Lands Administration – Owner. Application # Z-2015-022.

Planning Commissioner Gary Walker Made a MOTION to open the public hearing for Application # Z-2015-022. Planning Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. The public hearing opened at 6:51pm.

Josh Case CEO of ECG approached the Commission. He stated that his company has been developing this solar project in Millard County for a couple of years. He stated that ECG leases 1725 acres from Utah School and Institutional Trust Lands (SITLA). They already have their solar conditional use permit in place. This permit allows them to run their transmission line from their site to the interconnection with IPP. He stated that anything above 138 KV is considered a major transmission line. ECG is requesting that he county amend the General Plan to accommodate a 345 kV transmission line from ECG Solar to the IPP property. This transmission corridor will be about a half a mile long.

Planning Commissioner Greg Greathouse asked for verification on width of the corridor. Josh Case verified that they are asking for a 1,000' corridor while they determine where to put the final 150' wide corridor.

Jon Finlinson president of IPSC, approached the Commission. He stated that IPSC is supporting this corridor. He asked if the Commission has any concern once it's on the IPSC property. Jon Finlinson stated that as the project progresses they might have to work things out.

Jon Finlinson asked if once the corridor is established will it be available for other energy companies to use the utility? Commissioner David Sturlin stated that because it is a major utility corridor other parties may use it once the Commission determines the width of it. Commissioner Gary Walker asked who owns the property that the corridor is going across. Millard County Planner Sheryl Dekker confirmed that SITLA is the property owner. Josh Case stated that ECG Utah Solar 1 has transmission easement rights in its SITLA lease through SITLA lands between the project site and the project interconnection point. Commissioner Joyce Barney asked if we need to add the availability of the corridor as a condition. Jon Finlinson stated that he is not aware of any entities interested in using this corridor. He is just curious what the procedure would be if

any parties would want to use it. Commissioner Greg Greathouse stated that one of the issues is whether 150 feet is wide enough for another entity to use this corridor. Jon Finlinson asked if pipe lines could run in this same corridor. Planner Sheryl Dekker confirmed that the pipe lines may be allowed in the same corridor.

Commissioner David Sturlin read recommendation A: Approval on the General Plan to amend the major utility corridor map for installation of a ½ mile long, 150' wide transmission line. He then read recommendation C: Approve the General Plan amendment contingent upon a successful power purchase agreement with the California municipalities. Josh Case stated that he is okay with these recommendations.

6:59pm Deputy County Attorney Richard Waddingham arrived to the meeting.

Commissioner Joyce Barney had a question about the project description. She asked if ECG is willing to provide the easement rights. Josh Case stated that it is a public record and he can pull it up on the web site. He also stated that it is in his lease agreement with SITLA. The county should have a copy of the easement.

Commissioner Molly Stevens asked if it is going to start out at 1,000' then be reduced to 150', wouldn't it be more beneficial to keep it at 1,000' if someone else wanted to use that corridor. Commissioner Greg Greathouse suggested that we keep it at 150' so we know who is using the corridor.

Commissioner Joyce Barney asked if any part of the transmission line will be underground. Josh Case stated that this will be above ground with the tallest structure being approximately 75' tall, similar to the Milford wind transmission line.

Jon Finlinson asked about the analysis on the application. "This Project is a proposal only contingent upon obtaining power purchase agreements with the California Municipalities." He asked if it will have an expiration date. Planner Sheryl Dekker stated we might want to put a limited time on the conditional use permit. Deputy County Attorney Richard Waddingham stated that the amended General Plan would have to be approved before we can approve the conditional use permit. Commissioner Greg Greathouse stated that 10 years should be adequate.

Commissioner Gary Walker made a MOTION to close the public hearing. Commissioner Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative. The public hearing closed at 7:10pm

4. REVIEW and POSSIBLE RECOMMENDATION on a Millard County General Plan, Utilities Element, to allow for a change to the Major Utility Corridor Map.

ECG Utah Solar 1, LLC – Applicant. Utah State School and Institutional Trust Lands Administration – Owner. Application # Z-2015-022.

Commissioner David Sturlin asked if we would like to add a time limit or a reevaluation period on recommendation C. Commissioner Molly Stevens stated that a 10 year limit should be adequate. Josh stated that things from 2007 and 2008 are just now coming aboard. He stated that they started their project in 2013 and they will not start production for some time. They usually get a power purchase agreement 2-3 years before the production starts. There was some discussion if they should give it an expiration time limit or a reevaluation period. Josh asked for a 5 year limit with a reevaluation if it is delayed.

Commissioner Gary Walker made a MOTION to give a favorable recommendation to the BOCC on application Z-2015-022 based on the staff report contingent upon the power purchase agreement with a reevaluation of five years from date of approval by the BOCC. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

5. 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 – Owner.

Commissioner Gary Walker asked whether the BOCC can issue a conditional use permit if the General Plan Amendment is denied. Attorney Richard Waddingham stated that the BOCC cannot. There was some discussion on approving a C-2 permit. There was discussion whether the Commission needs to strike their recommendation contingent upon major utility amendment. Commissioner Greg Greathouse stated that he would hate to put it on the map if they are not going to go forward with it. Commissioner Gary Walker stated that the Commission is assuming that the BOCC will approve the corridor but what if they don't.

Commissioner Greg Greathouse stated that ECG already has their solar system C-2 Conditional Use Permit in place, and he thinks they have enough things to show potential buyers that they will get the corridor. Commissioner Gary Walker stated that he thinks this action is premature.

Commissioner Jodi Robison asked Josh Case what impact this will have on ECG if the Commission tables the conditional use permit. Josh stated that he just won't be able to check that box off his list. Commissioner Greg Greathouse would like to table this until the corridor is approved by the BOCC instead of reapplying. Josh Case asked if the BOCC approves the General Plan Amendment, could he get this C-2 permit back on the agenda. Commissioner Jodi Robison asked if we could table this indefinitely. Commissioner Greg

Greathouse stated if the BOCC approves the General Plan Amendment, the Planning Commission cannot deny the conditional use permit. Commissioner Joyce Barney asked if ECG could get a power purchase agreement without these permits. Josh Case stated that he is competing with companies in Nevada and California that already have all their permits.

Commissioner Greg Greathouse stated that the Commission could write a letter to the applicant stating that it's a formality and it may not get turned down. Attorney Richard Waddingham stated that the other problem would be the time limit on the plans. Josh Case stated once he get his C-2 permit he will know what the conditions are and he could start working on those. Commissioner Greg Greathouse stated that our recommendations will basically be the same as the federal and state government standards. Millard County Planner Sheryl Dekker stated she is concerned that this will effect ECG's ability to get a power purchase agreement without these permit approvals.

The Commission then reviewed their previous motion from agenda item 4.

Commissioner Jodi Robison made a MOTION to REVOKE the previous motion on Agenda Item 4 for the General Plan application # Z-2015-022. Commissioner Joyce Barney SECONDED the motion. The motion passes with Commissioner Gary Walker and Commissioner Greg Greathouse voting against the motion.

Commissioner Jodi Robison made a MOTION to make a favorable recommendation to the BOCC for application # Z-2015-022 for the General Plan Amendment. Commissioner Molly Stevens SECONDED the motion. The Motion passed with Greg Greathouse and Gary Walker voting against the motion.

Commissioner Greg Greathouse stated that he is opposed to creating a corridor when ECG doesn't even know if the project is going ahead. He stated that he is not opposed to the project.

There was more discussion on the C-2 Conditional use permit of tabling this agenda item until after the BOCC approves the General Plan Amendment.

Commissioner Joyce Barney made a MOTION to table application Z-2015-021 until a decision is made on the General Plan Amendment by the BOCC. Commissioner Tom Nielson SECONDED the motion. Voting was unanimous in the affirmative. This item is tabled to the October 7th Planning Commission meeting.

6. **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 – Owner.

Commissioner David Sturlin stated that the Commission also needs to table this application until the BOCC makes its decision on the General Plan Amendment.

Commissioner Greg Greathouse made a MOTION to table application Z-2015-020 for the electrical substation until there is an approval from the BOCC on the General Plan Amendment. Commissioner Gary Walker SECONDED the motion. Voting was unanimous in the affirmative.

7. **7:00 p.m. PUBLIC HEARING** for the purpose of receiving public comment on proposed amendment to the Official Millard County Zoning Map from AG (Agriculture 1 Acre) to RF (Range and Forest 20 Acres) 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-2015-025.

Commissioner Greg Greathouse made a MOTION to open a public hearing on application Z-2015-025. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative. Public hearing opened at 7:44pm.

Greg Kesler approached the commission. He stated that he is proposing to get a zone change so he can develop a solar energy system similar to one that is currently under construction on the Sheep Trail Road.

Commissioner Gary Walker asked whether this is for phase 2 of the project. Millard County Planner Sheryl Dekker stated this zone change is to accommodate phase 2 and phase 3. Commissioner David Sturlin stated this is just a zone change application. Commissioner Molly Stevens asked if it would be better to do an allowance of this type of project in the current zone instead of changing the zone. Planner Sheryl Dekker stated this project can only be allowed in Range & Forest 20 zone.

Commissioner Greg Greathouse asked how many acres are included in this zone change. Greg Kesler stated that phase 2 has 402 acres and phase 3 has 157 acres.

There was some discussion about the property being in an Ag 1 zone or an Ag 20 zone. Commissioner Gary Walker asked whether any of this land is in production. Greg Kesler verified that it is all brush ground at this time.

Commissioner Molly Stevens asked if this land will continue to be used for grazing. Greg Kesler stated that it is an option right now and they can graze it until construction begins for phases 2 and 3 of the Pavant Solar II Energy Systems.

Commissioner Jodi Robison asked if surrounding property owners have been notified. Planner Sheryl Dekker verified that they have all been notified.

Millard County Economic Development Coordinator Scott Barney stated that he is very supportive of this project. He then stated that this project has proven to be very beneficial to the county. The additional phase would be as well.

Commissioner Molly Stevens stated she would like to see this project utilize the county's temporary staffing company. Greg Kesler stated that he would like to have Pavant Solar II LLC host a job fair before starting phase two. Commissioner Gary Walker asked how many employees they had during phase 1. Greg Kesler verified that there are about 200 construction employees.

Commissioner Greg Greathouse made a MOTION to close the public hearing for application Z-2015-025. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative. The public hearing was closed at 7:51pm

8. **REVIEW and POSSIBLE RECOMMENDATION** on Application for proposed Amendment to the Official Millard County Zoning Map from AG (Agriculture 1 Acre) to RF (Range and Forest 20 Acres) 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-2015-025

Commissioner Greg Greathouse made a MOTION to send a favorable recommendation to the BOCC for application #Z-2015-025 to make a zone change from AG to RF, based on the verification that it is not agriculture productive land. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

9. **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.

Commissioner Greg Greathouse suggested that the Commission table this agenda item. He then stated that the Commission should not approve a C-2 Permit until the BOCC approves the zone change.

Commissioner Greg Greathouse made a MOTION to table application # Z-2015-026 for the request of a C-2 Conditional Use Permit until there has been actions by the BOCC on application # Z-2015-0225. Commissioner Molly Stevens SECONDED the motion. The voting was unanimous in the affirmative.

10. PLANNING and ZONING ADMINISTRATOR’S REPORT

Discussion Regarding Language in 2005 Land Use Ordinance Regarding Recreational Vehicles and Travel Trailers – Mobile Home Parks and RV Parks

- Set Planning Commission Public Hearing for November 4, 2015 to hear public comments on the “draft” subdivision ordinance.
- BOCC decision on Murphy-Brown, LLC APA Proposal

Planner Sheryl Dekker stated that the Murphy Brown APA Proposal was approved by the BOCC.

11. PUBLIC INPUT

12. OTHER BUISINESS

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

14. ADJOURNMENT

Planning Commissioner Gary Walker made a MOTION to adjourn. Planning Commissioner Jodi Robison SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 7:58m.

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

