

**MEETING OF THE  
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES  
February 1, 2012**

The Millard County Planning Commission met on Wednesday February 1, 2012 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

**EXCUSED:** Gary Walker ..... Board Member  
Gordon Chatland ..... Board Member  
Sheryl Dekker..... Board Member

**ALSO PRESENT:**

Richard Waddingham ..... County Attorney  
Amber Nickle ..... Secretary  
Don Watts..... RMP  
Jeff Richards ..... RMP  
Aaron Gibson ..... RMP  
Delynn Rodeback ..... RMP  
Tom Heaton..... RMP  
Margaret Oler ..... RMP  
Lani Eggertsen-Goff ..... EPG Inc  
Michael Doyle ..... EPG Inc.  
Cynthia Kaufman ..... Black Rock Utah  
Jim Kaufman ..... Black Rock Utah  
Darren Smith ..... Representative of Steve Styler

**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 – January 4, 2012**

The proposed minutes of the regular Planning Commission meeting held January 4, 2012 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. NOMINATION AND ELECTION** of Chairman and Vice-Chairman.

Item 3 was moved to the end of the meeting. David Sturlin made a motion to postpone the election to the next meeting or when all board members are present. Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

**4. DISCUSSION AND POSSIBLE RECOMMENDATION** on Application for a Non Plat Subdivision Application # Z-2012-005 for the purpose of building a single family dwelling located at 1985 W 4500 South, Delta. Stephen Styler – Applicant.

Robin Smith confirmed that the property is located in Oasis. Darren Smith approached the podium as a representative for Stephen Styler. Greg Greathouse stated that he had a conflict and abstained from voting. There was some discussion among the Planning Commission regarding the application. Molly asked if there was anything not in compliance. Consensus was everything was in compliance. Joyce Barney made a motion to make a favorable recommendation to the board of County Commissioners for application Z-2012-005. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative. Robin Smith voted to make quorum.

**5. PUBLIC HEARING - GENERAL PLAN AMENDMENT APPLICATION # Z-2012-001** for the Purpose of Receiving Public Comment on a Millard County General Plan Amendment Application for an Amendment to the Major Utilities Corridor Preferred Alignment Map, an Official Map of Millard County, Utah. The amendment seeks to add a major utilities corridor. The application is for property located beginning at the county line between Sevier and Millard County approximately 0.5 mile south of Interstate 70. The proposed route then heads northwest where it generally parallels the Black Rock Road then heads south on the east side of the Milford Wind Farm and along the west side of the Antelope Mountains before entering Beaver County. The project in Millard County consists of approximately 24.1 miles. Pacificorp dba Rocky Mountain Power – Applicant.

Joyce Barney made a motion to open a public hearing. Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative. The public hearing opened at 7:22 p.m. Bruce Parker explained the map on the screen and where the utility corridor would be located after the amendment is made. Molly Stevens asked what would happen if another utility company came in and asked for an amendment to the general plan. Robin Smith stated that they would have to go through the same process as RMP. Richard Waddingham and Bruce

Parker stated that the change has been in process for two years and a lot of work and negotiation has taken place outside of the board meetings to make an amendment.

Tom Heaton stated the transmission line that would go through Millard County would provide a benefit by providing more voltage support to the area and by strengthening the whole grid throughout the state.

David Sturlin made a motion to close the public hearing. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 7:30 p.m.

6. **PUBLIC HEARING – CONDITIONAL USE PERMIT APPLICATION # Z-2012-002** for the Purpose of Receiving Public Comment on construction, operation and maintenance of a single-circuit, 345-kilovolt (kV) alternating current overhead transmission line (an **Electric Transmission Right Of Way (Major)**) The application is for property located beginning at the county line between Sevier and Millard County approximately 0.5 mile south of Interstate 70. The proposed route then heads northwest where it generally parallels the Black Rock Road then heads south on the east side of the Milford Wind Farm and along the west side of the Antelope Mountains before entering Beaver County. The project in Millard County consists of approximately 24.1 miles. Pacificorp dba Rocky Mountain Power – Applicant

David Sturlin made a motion to open a public hearing. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative. The public hearing opened at 7:31 p.m.

Robin Smith described the location of the application. He asked for any public comment. Joyce Barney asked if Cove Fort had any issues with the application. Bruce Parker stated that the route was redirected in an effort to accommodate Cove Fort and will miss Cove Fort completely. He said it is hard to see the transmission line from the Cove Fort area.

There was no public commentary. Joyce Barney made a motion to close the public hearing. Molly Stevens SECONDED the motion. Voting was unanimous in the affirmative. The public hearing closed at 7:34 p.m.

7. **DISCUSSION AND POSSIBLE RECOMMENDATION - GENERAL PLAN AMENDMENT APPLICATION # Z-2012-001.** Pacificorp DBA Rocky Mountain Power – Applicant.

Greg Greathouse asked why RMP needs that much room within the corridor. Bruce Parker stated it is that wide so that other utility companies can fit into the corridor along side RMP's transmission lines.

Robin Smith asked how close other transmission lines could be in relation to the RMP transmission lines. Aaron Gibson said there needs to be some distance but it depends on what type of utility line it is and what the criteria is for that utility company.

Robin Smith asked Bruce Parker what he thinks about the width of the corridor. Bruce Parker stated that the corridor needs to be wide enough that other utility companies will be satisfied with the distance between utility lines.

David Sturlin made a motion to make a favorable recommendation to the board of county commissioners for application #Z-2012-001 with the following conditions:

- 1) The location and operation of the major utility corridor will not harm the quality, quantity and integrity of any surface or groundwater resources.
- 2) The major utility corridor will not be located in the floodplain or will cross the Sevier River, or any other permanent river, stream, or other surface water of Millard County.  
Millard County Board of County Commissioners – 2/21/2012 Meeting General Plan Amendment Application – New Major Utility Corridor Rocky Mountain Power
- 3) The location and operation of the major utility corridor will not harm the viability of any agriculture activities or the agricultural base of Millard County.
- 4) The location of the major utility corridor is located to avoid as much as practicable impacts to privately owned lands.
- 5) Necessary coordination has occurred with neighboring counties on the location of the major utility corridor.
- 6) Necessary coordination has occurred with the US Department of the Interior, Bureau of Land Management.

Joyce Barney **SECONDED** the motion. Voting was 3 in favor and 1 against.

Greg Greathouse stated that he feels the corridor is too wide. Bruce Parker stated that the exact width has not been determined at this point.

There was some discussion on the width of the approved corridor for RMP and the future utility corridor users.

Molly Stevens stated that the width of the corridor can be determined by the county commission.

Robin Smith asked the County Attorney if the Board could ask the commissioners to keep the corridor as small as possible. Attorney Waddingham stated that the commissioners can keep the corridor as small as possible, but that the goal is to keep the corridor wide enough for other utility companies to be encouraged to stay within that corridor.

**8. DISCUSSION AND POSSIBLE RECOMMENDATION - CONDITIONAL USE PERMIT APPLICATION # Z-2012-002.** Pacificorp Rocky Mountain Power – Applicant.

Greg Greathouse stated that there is some ambiguity on condition (c) under Recommended Action and Reasonable Conditions. He said it needs to be clarified so that it states the approved RMP line “shall be 75 feet *on each side* from the final surveyed transmission line route centerline”.

Joyce Barney made a motion to make a favorable recommendation to the board of commissioners with the following conditions and findings:

- 1) Project Boundary;
  - a) The Electric Transmission Right-of-Way (Major) shall comply with the alignment route as generally depicted on Attachment A and Attachment B, modified as follows;
    - i) For those areas where the alignment is in proximity to Black Rock Road;
      - (1) The alignment shall identify the south right-of-way line of Black Rock Road as the northern boundary of the Electric Transmission Right-of-Way (Major) alignment.
      - (2) The Electric Transmission Right-of-Way (Major) shall be located as close as practicable to the Black Rock Road right-of-way.
        - b) Prior to the commencement of any construction the preliminary legal description for the Electric Transmission Right-of-Way (Major) centerline shall be provided to the County Planner for filing and reference during the construction period.
        - c) During the construction period, the Conditional Use Permit shall allow deviations of up to 600 feet from the preliminary centerline legal description to accommodate avoidance of natural, cultural, and other resource features discovered during construction provided that, in no event shall any deviations cross Black Rock Road.
        - d) At the completion of RMP’s 345 kV electric transmission line construction the final route alignment for the Electric Transmission Right-of-Way (Major) shall be 75 feet on each side of the final route centerline. The “as-built” final centerline legal description for the Electric Transmission Right-of-Way (Major) shall be provided to the County Planner for filing and be used to identify the route on the Major Utilities Corridor Official Map.
- 2) The Conditional Use Permit Application #Z-2012-002 with all its materials and information associated with the proposed Electric Transmission Right-of-Way (Major), and including all environmental, cultural, social, and other mitigation actions is incorporated by reference as conditions of approval of Application #Z-2012-002.
- 3) A copy of all necessary Federal & State permits shall be provided by RMP and filed in the Office of the County Planner.

- 4) All conditions and requirements of approval of all necessary Federal & State permits are established as conditions of approval of Application #Z-2012-002 and are incorporated herein by reference. This includes that all environmental, wildlife, avian, social, and cultural resource mitigation plans, required by any Federal and State agency shall be provided by RMP and filed in the Office of the County Planner.
- 5) Compliance with all Federal, State, and Local codes, as may be applicable for the construction, installation and operation of an Electric Transmission Right-of-Way (Major).
- 6) The Applicant shall acquire all necessary easements, rights-of-way, or ownership rights prior to constructing the electric transmission line. Evidence of all necessary easements, rights-of way and ownership shall be provided by RMP and filed in the Office of the County Planner.
- 7) All affected livestock permittees shall be notified by the Applicant prior to any construction, with construction timed to avoid any unnecessary conflicts with grazing and ranching operations. Applicant shall provide a contact person and number to all affected property owners and permittees to facilitate communication and coordination with all owners and permittees.
- 8) A County Road Maintenance Agreement is established between Millard County & RMP to address issues of possible County road deterioration as a result of construction equipment use during construction. Such Agreement shall be reviewed and presented by the County Attorney to the BOCC for approval prior to Building Permit issuance and any transmission line construction. This Agreement shall include provisions necessary for sufficient road maintenance and repair bonding running to the County, as determined necessary by the County Attorney and other necessary performance guarantees, as determined by the County Attorney.
- 9) A Traffic Management Plan shall be provided by RMP and filed in the Office of the County Planner.
- 10) If required by the State of Utah, the Applicant shall obtain approval of a Storm Water Pollution Prevention Plan; such approved Plan shall be provided by RMP and filed in the Office of the County Planner.
- 11) A Site Reclamation Plan shall be provided by RMP and filed in the Office of the County Planner. The Site Reclamation Plan shall include provisions necessary for sufficient site reclamation bonding running to the County, as determined necessary by the County Attorney and other necessary performance guarantees, as determined by the County Attorney.
- 12) A Fire Management Plan shall be formulated, in consultation with Federal, State, and Local agencies, as applicable. Such Plan shall be approved and accepted by the Millard County Fire District with RMP compliance required. The approved and accepted Fire Management Plan shall be provided by RMP and filed in the Office of the County Planner and the County Fire Warden. The Fire Management Plan shall identify all defensible space for fire protection in accordance with the Millard County Wildland-Urban Interface Code.
- 13) Necessary Warning Signage shall be provided as required by the National Electrical Safety Code. No advertising of any description shall be permitted on any of the transmission line facilities.
- 14) RMP shall comply with all requirements of the Federal Aviation Administration (FAA), as applicable.
- 15) A Millard County Building Permit shall be issued by Millard County to RMP, or its contractor, for all construction associated with the Electric Transmission Right-of-Way (Major). The Building Permit Application shall include a set of structural plans, approved and stamped by a certified structural engineer.
- 16) A pre-construction meeting shall be held with the Millard County staff prior to the commencement of any construction related activities.
- 17) The Approval of this Conditional Use Permit under Application #Z-2012-002 is the subject of annual review. If a Building Permit Application, covering all site preparation and construction,

has not been issued by August 1, 2013, the BOCC may extend the Conditional Use Permit to August 1, 2014 upon a recommendation to do so from the County Planner and County Attorney and a finding by the BOCC of extenuating circumstances beyond the control of RMP.

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

**9. BRUCE PARKER – Millard County Issues**

Bruce Parker gave an update on current meetings and events of the utility companies that are happening outside the planning meetings. The board asked Bruce Parker to just email them directly any new information so they have time to read through it prior to the planning meetings, instead of just getting handouts at the meetings.

Bruce Parker presented two options for zoning applicable to major utility corridors. He asked the board to think about which option they prefer.

Bruce Parker stated that First Wind's phase III is moving ahead and phase IV is in the works.

**10. OTHER BUSINESS**

Greg Greathouse explained the issue with the Carling Company's Conditional Use Permit in reference to the handouts that were given to the board prior to the meeting. There was some discussion about the Carling Company.

**11. POSSIBLE CLOSED MEETING PURSUANT to UTAH CODE ANNOTATED SECTION 52-4-4&5**

There was none.

**12. ADJOURNMENT**

David Sturlin made a MOTION to adjourn. Greg Greathouse SECONDED the motion. The voting was unanimous in the affirmative.

---

Robin Smith, Chairman  
Millard County Planning Commission