

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
February 2, 2011**

The Millard County Planning Commission met on Wednesday January 5, 2011 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
Gary Walker..... Board Member
Gordon Chatland Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl L Dekker Millard County Planner
Amber Nickle Secretary
Terry Scottorn Citizen
Takako Scottorn..... Citizen
Leo Stott Citizen
Liz Stott..... Citizen
Calvin Jones Citizen
Robert Jones Citizen
Michael Gates..... Field Manager BLM
Glenn Carpenter District Manager BLM
Gaylen Cropper Citizen
Sherril Tolbert Citizen
Cynthia Kaufman Landowner
Jim Kaufman..... Landowner
Craig Stumph..... Citizen
Lisa Stumph..... Citizen
Brent Smith Citizen
Robins McPherson..... Citizen
Rand Crafts..... Citizen
Michael Staheli Citizen
Dan Bringard..... Business Owner
Jim Withers Commissioner
Daron Smith..... Commissioner
Bryan Harris..... First Wind
Keith Shurtz Citizen

1. Welcome, Call to Order

Vice Chairman Gordon Chatland called the meeting to order at 7:01 p.m.

2. APPROVAL OF MINUTES – January 5, 2011

The proposed minutes of the regular Planning Commission meeting held January 5, 2011 were presented for consideration and approval. Following review and consideration of minor corrections Commissioner Gordon Chatland made a motion to approve the minutes as corrected. Commissioner Gary Walker SECONDED the motion. The voting was unanimous in the affirmative.

3. PUBLIC HEARING for the Purpose of Receiving Public Comment on Application #Z-2011-002 for a Zone Change (Map) by Leo D. Stott, (L B Ranch) for Property Located ½ Mile North of Meadow on West Side of Old Hwy. 91 (300' Wide and 1,980' Long. If Approved, the Zone will Change from AG20 (Agricultural 20 acres) to HC (Heavy Commercial).

Chairman Smith commented that he does not feel the application is complete enough to have a public hearing. Gary Walker stated that he did some research and based on the information he found, the property should be zoned as light industrial for its intended purpose (storage facility for a landscaping business) rather than a heavy commercial. Consensus was that the application was appropriate.

Gordon Chatland made a motion to open a public hearing, David Sturlin SECONDED the motion. Public hearing was opened at 7:23pm.

Chairman Smith asked if the applicant, Leo Stott, intended to put billboards on the property in the future. Mr. Stott stated that in the future he may look at that possibility. Chairman Smith stated that it is against the law to change a zone for the purpose of putting up a billboard and that there must be a legitimate business there. Chairman Smith asked if there were any more public comments. David Sturlin made a motion to close the public hearing. Gary Walker SECONDED the motion. Public hearing was closed at 7:25pm.

4. CONSIDERATION AND POSSIBLE RECOMMENDATION on Application #Z-2011-002 for a Zone Change (Map) by Leo D. Stott, (L B Ranch) for Property Located ½ Mile North of Meadow on West Side of Old Hwy. 91 (300' Wide and 1,980' Long. If Approved, the Zone will Change from AG20 (Agricultural 20 acres) to HC (Heavy Commercial).

There was discussion on whether or not all the items were included with the application. Gary Walker made a motion to table the item until more information is collected on what the applicant plans to do with the property. Joyce Barney SECONDED the motion. Voting was 5 for and 1 against.

Site Plan items (3-7) have not been met.

5. PUBLIC HEARING for The Purpose Of Receiving Public Comment on Application #Z-2011-001 – Proposed Amendments to the Millard County General Plan- Federal and State Lands. (Millard County desires to clarify

and re-affirm its position and policy in favor of multiple use/sustained yield management for proposed wilderness areas and against designating these areas wilderness, or managing them as wilderness, or otherwise treating them as wilderness).

Gary Walker made a motion to open a public hearing. Greg Greathouse SECONDED the motion. Public hearing was opened at 8:15pm.

Chairman Smith asked for clarification. Sheryl Dekker stated that they have been working with Mark Ward. Congress has been instructing the BLM to inventory all the land that may be designated Wilderness Lands. The Public lands committee has been discussing which lands may be appropriate to be designated wilderness lands.

Glen Carpenter from the BLM said that he was there to provide some clarification. He said that they are currently undergoing a process that includes looking at all the land to see if it meets certain criteria and then deciding if it should be designated wilderness lands or not. He stated that according to federal regulations, if there is a piece of land that has wilderness characteristics they can still authorize certain activity in that area while still protecting the land.

Mr. Carpenter stated that the issue on the table right now is deciphering the difference between wilderness characteristics versus development. He stated they should come to a conclusion within 2-3 weeks. He stated that they are open to hear any commentary. However the Wilderness Act dictates the criteria which must be used to determine whether land is developed or protected.

Daron Smith approached the podium and addressed the history of the wilderness land designation up to this point.

Greg Greathouse asked how wilderness areas are designated. Daron Smith stated that a lot of groups and individuals have been out and have designated areas that met all the criteria for a WSA.

Rand Crafts stated that there were many citizens that personally went out and walked and rode with GPS equipment to designate lands for wilderness areas in 1991. Prior to this venture, they did not feel the mapped out wilderness areas were correct.

Now a new act has been passed in Washington that is forcing BLM to reconsider the designated lands that have been previously mapped out. It will take some time to go through all the land and make changes to the already mapped out wilderness areas.

Craig Stump said he was there when they did the original mapping of wilderness areas. He feels there is already too much wilderness area designated in Millard County and we should fight to keep recreational areas to bring money into the county.

Chairman Smith asked if Mr. Stump agreed with the proposed changes to the General Plan. He said that it is better than what the BLM has proposed.

Dan Bringard made some comments.

Mr. Carpenter, the BLM chief field officer from Fillmore, stated that he appreciates the efforts of the county and will gladly sit down and discuss the wilderness land areas.

Dean Draper expressed some concerns about Sawmill Basin and Robbers Roost's access being prohibited. He would like the information provided to be more defined. He said that the document is a good start but it needs some more work.

Dan Bringard said the WSA (Wilderness Study Area) is the biggest problem because they put signs up that say you cannot drive on roads that have been there for years.

Chairman Smith asked for more comments. David Sturlin said that he has some land out in the west desert that he found out was designated BLM land and he would like to propose an amendment to section II to give some credence to land owners to resolve the issue of private property versus BLM land.

He said he would like to propose to add a line item #4 – "To provide for the sale of Utah National Defense lands that will not impact military training, testing, operational readiness or economic benefits".

Gary Walker made a motion to close the public hearing. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative. Public hearing closed at 9:18pm.

Gordon Chatland made a motion to take a five-minute break. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

Gary Walker made a motion to reconvene. David Sturlin SECONDED the motion. Voting was unanimous in the affirmative.

6. CONSIDERATION AND POSSIBLE RECOMMENDATION on Application #Z-2011-001 for Proposed Amendments to the Millard County General Plan – Federal and State Lands Element and to Adopt the Millard County Wilderness Plan.

Greg Greathouse made a motion to give a favorable recommendation to the county commission with the adoption of the language from David Sturlin and that Millard County never exceeds the inventory of the BLM.

Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative.

7. PUBLIC HEARING for The Purpose Of Receiving Public Comment on Application #Z-2011-003 - Proposed Amendments to the Millard County General Plan – Utilities Element – Official Major Utilities Corridor Map, Milford Wind Phase III, Applicant.

Gordon Chatland made a motion to open a public hearing. David Sturlin SECONDED the motion. Public Hearing was opened at 7:37pm. Chairman Smith asked Mr. Kaufman to explain what the issues were. Bruce Parker approached the podium and explained the situation. He stated that the current corridor does not work for the transmission line being constructed and that Mr. Harris was there to request a new route for the power line.

Mr. Kaufman stated that the transmission line is too close to private property. He said that air defense uses airspace out that way that could be disrupted by more windmills. Also there are historic artifacts in that area that would be disturbed and there are water issues. He stated that water is very scarce out there and they can not afford to lose any water in that area. Chairman Smith asked if Mr. Kaufman has seen a map of phase III. He said that he got a map from BLM and the line is shown closer than 1000 ft to private property.

Mr. Dan Bringard asked why they cannot use the existing approved corridors. Mr. Bryan Harris said that the project is about 7 miles away from the corridor. Mike Staheli Oak City asked if the project is currently in the approved corridor. There was discussion on where First Wind could run power lines and stay as close to the existing corridor as possible.

Mr. Harris stated that the windmills would not interfere with the navy airspace because they start at a base of 250 feet. He said they are currently speaking with Air Defense to get approval for more windmills. BLM will not sign off unless the Air Defense approves.

Mike Gates, the Fillmore field officer, stated that they are in current communication with the Dept of Defense and are waiting to hear back whether or not the airspace will be impacted by the proposed transmission lines.

Greg Greathouse asked how much distance there is between the windmills. Mr. Harris stated that there are approximately 40 structures in 7 miles.

David Sturlin made a motion to close the public hearing. Gordon Chatland SECONDED the motion. Voting was unanimous in the affirmative. Public hearing was closed at 7:55pm.

8. CONSIDERATION AND POSSIBLE RECOMMENDATION on Application #Z-2011-003 for Proposed Amendments to the Millard County General Plan – Utilities Element – Official Major Utilities Corridor Map, Milford Wind Phase III, Applicant.

Gordon Chatland asked Mike Gates if an archeological inspection has been done in the area where they want to put a transmission corridor. Mr. Gates said not at this time. Greg Greathouse asked if there is a proposed line if no investigation has been done at this time. Bruce Parker stated that First Wind may have to come back and discuss another route depending on the findings from the studies. Gordon Chatland

made a motion to table the item until more information is collected. Joyce Barney SECONDED the motion.

Mr. Harris stated that it is hard to request a permit when there are several companies and agencies that need to sign off. They need several conditional use permits. If they wait to get a general plan amendment and all the studies to be concluded it would put the current timeline back. Mr. Harris stated that he does not see getting signed off by the BLM until the end of the year.

Gordon Chatland stated that he does not want to hold up the construction he just wants to have all the information prior to making a decision. Mr. Harris stated that it will take several months to get the studies done and go through the county to complete the permitting process.

Greg Greathouse stated that there is some public concern and to appease the masses more information needs to be collected to proceed ahead. Gary Walker asked if it is possible to table the item without having to go through the process and set the project back. Bruce Parker stated that since a public hearing has been opened already, Mr. Harris can bring back more information to the board without going through the process again.

(Discuss with Sheryl)

Mr. Harris asked if they can discuss the corridor with the BLM and come up with possible approved routes. Chairman Smith stated that at this point the subject is not relative.

Gordon Chatland made a motion to table the item until more information is collected. Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

9. PUBLIC HEARING for the Purpose of Receiving Public Comment on Proposed Amendments to the Millard County Development Code (a Land Use Ordinance) Establishing Provisions and Requirements for Developments Occurring on Lands Determined to be Environmentally Sensitive, Millard County Application #Z-2011-004

Gordon Chatland made a motion to open a public hearing. Joyce Barney SECONDED the motion. Public hearing opened at 9:32pm. Mike Staheli, Mayor of Oak City, stated that the geographic area outlined is a small area compared to the total land mass in the county. He was wondering if there were any cost estimates for the proposed studies and what would be expected from the private landowners. He understood that the costs could be substantial and was wondering if it was really necessary.

He was wondering if we (the County) wanted to get involved in regulating wet land areas as outlined in the proposed amendment. He stated that FIMA regulates the flood areas. He wanted to know if they are already designated. Sheryl Dekker said yes and they will not change.

Chairman Smith said it is to the advantage of the homeowner to have a study done so they will qualify for insurance and know what the risks are.

There was more discussion on wetlands and slopes on personal property.

Bruce Parker stated that wetlands would be referred to the Army Core of Engineers. The proposed amendments are constructed to apply to all of Millard County. Mr. Parker stated that a landowner can build a building on a slope within certain parameters and if there is a big enough lot. In Ivins, UT there is an 8% slope allowed, on the Wasatch front there is a 30% slope allowed. The slope recommended by Millard County is 15%. The County requires an engineer survey the property before construction begins on a slope.

Gary Walker read the building requirements for a slope in the county building code.

Chairman Smith stated that the goal is to protect the surrounding community when it comes to building appropriately on a hillside.

Greg Greathouse asked for someone to clarify the top of page 6 where it states "disturbance or non-native vegetation". He said that it sounded like a property owner would not be able to plant grass in their yard. Bruce Parker stated that the last part of that sentence could be struck.

Greg Greathouse stated that #2 under Section 9 should be 8% instead of 10%.

Joyce Barney stated there was a typo on the bottom of page 6 and it should read "thirty" instead of "twenty"

Joyce Barney made a motion to close the public hearing. Greg Greathouse SECONDED the motion. Voting was unanimous in the affirmative.

10. CONSIDERATION AND POSSIBLE RECOMMENDATION on Application #Z-2011-004 for Proposed Amendments to the Millard County Development Code (a Land Use Ordinance) Establishing Provisions and Requirements for Developments Occurring on Lands Determined to be Environmentally Sensitive.

Gary Walker made a motion to make a favorable recommendation to the county commission on the proposed amendments of the general plan with the provisions that were requirements for developments occurring on lands determined to be environmentally sensitive. Joyce Barney SECONDED the motion. Voting was unanimous in the affirmative.

11. OTHER BUSINESS

Gordon Chatland asked about training. Sheryl Dekker did not have any information about training at this time.

Question arose about boys home in Sutherland. Sheryl Dekker said she did not know anything about it.

Bruce Parker asked the planning commission to read the amendments to the general plan (sent via email) with flow charts with the review and approval process. Sheryl Dekker stated that she would send out a printed copy to everyone so they could highlight etc.

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

There was none.

13. Adjourn

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

Robin Smith, Chairman
Millard County Planning Commission