

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
August 4, 2010**

The Millard County Planning Commission met on Wednesday August 4, 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

EXCUSED: Gordon Chatland Board Member

ALSO PRESENT:

Richard Waddingham County Attorney
Sheryl L Dekker Millard County Planner
Amber Nickle Secretary
Bryan Harris First Wind
Shelly Teuscher..... First Wind
Bruce Parker PDS
Jim Harris Land Owner
Cynthia Harris..... Land Owner
Daron Smith Millard County Commissioner
Craig Greathouse Millard County Commissioner
Rex Stanworth Citizen

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 – July 7, 2010

The proposed minutes of the regular Planning Commission meeting held July 7, 2010 were presented for consideration and approval. Following review and consideration of minor corrections including adding the basis for conditions on page 2, Commissioner David Sturlin made a motion to approve the minutes as corrected. Commissioner Joyce Barney SECONDED the motion. The voting was unanimous in the affirmative.

**3. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit
Application**

Z-2010-013 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 15 Miles NW of Milford, Utah (6.5 West of SR 257 MP 15). 1.94 Acres on BLM Land.

Bryan Harris approached the podium. He described the type of towers Milford Wind Phase III is planning on constructing in Millard County. Chairman Smith asked if all the towers will be on BLM land. Mr. Harris said no, four are on BLM land, two are on state trust land, and one is on private land that is being leased by First Wind. David Sturlin asked why it stated in the letter that the towers will take six years to conduct the tests at the sites, since met towers located in the past asked for only three years to conduct tests. Mr. Harris stated that three years was not a long enough time frame in some cases and they wanted a wider time frame to work with.

Jim Harris approached the podium and stated he is a land owner with property that First Wind needs to cross over to construct the towers. He supplied pictures of the roads where they have caused destruction in phase I. He claims the company cannot access the sites unless they cross over his land. He stated that Millard County is slow to respond or do site surveys and he feels that no one knows he exists.

Mr. Harris said he received a letter from First Wind asking for a release of liability. Mr. Harris said that he would not give a release of liability. The contract that he received was 25 to 30 pages long and he is not comfortable with the length of the contract. He feels there are too many open ends. He said that he was offered \$50,000 to lease 4,700 acres for 60 years. He stated that he was not interested in leasing the land for that amount.

Bryan Harris stated that the roads in Mr. Harris's photos have been reclaimed and reseeded. He said that there are about 90 property owners in the area where they want to build. At this time about 60 landowners have responded and have given permission to cross their land. Mr. Harris stated that First Wind can take other routes and do not have to cross Mr. Kaufman's land to access their sites.

Mr. Harris stated there is a bond with the BLM where if the roads are not reclaimed, the BLM keeps the bond to fix the damages. Therefore First Wind is anxious and willing to reclaim all damage to roads as a result of their work.

Attorney Waddingham asked if the land is the same at every tower location. Mr. Harris said all the sites are flat lands.

Joyce Barney asked if First Wind has been contacted by anyone in the environmental community with concerns. Mr. Harris stated that they have not.

Rex Stanworth approached the podium and stated that there are some wildlife concerns. He said that First Wind and other big companies who are looking to

build in Millard County are not offering enough benefits to warrant approval of a conditional use permit. He stated that tax credits for green power were his reason for feeling this way. He said that if the benefits are not substantial there is no reason to allow First Wind or any other company to build in the county.

Joyce Barney asked how many local people were involved in the construction for Phase I. Mr. Harris stated that there were some local companies as well as specialized workers from outside the county working on Phases I who will also be working on Phase II.

David Sturlin again asked about the time frame for the life of the conditional use permit. Chairman Smith stated that he does not feel it that the three year life of a met tower CUP should be changed because the applicant can always come back and get an extension. Sheryl Dekker reminded those present that there would be additional fees charged for permit extensions.

Shelly Teuscher said that First Wind did reroute the transmission line around Mr. Kaufman's property. Chairman Smith asked what the benefit to the landowners is for having the transmission line on their property. Mr. Kauffman said he was offered a one time payment of \$50 an acre. Mr. Harris said that each contract with each landowner is worked out on a case by case basis.

There was discussion on road access and how to keep the roads in good working order and how to ensure that First Wind reclaims the roads in a timely manner.

Jim Withers stated that he would like to add a condition that if any landowner is disgruntled with the construction that it be addressed in a timely manner.

Jim Withers made a MOTION to approve the conditional use permit for towers Z-2010-013 through Z-2010-019 inclusive.

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.
- 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)

The basis for issuance of the conditional use permits are:

A. The proposed use will provide local jobs and taxes.

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 for 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. The voting was three in favor, and one against the motion. The MOTION carried for agenda items 3 thru 9 inclusive.

- 4. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-014 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 16.8 Miles NW of Milford, Utah. 1.94 Acres on BLM Land.**
- 5. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-015 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 22.4 Miles NE of Milford, Utah. 1.94 Acres on BLM Land.**
- 6. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-016 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 23.8 Miles NE of Milford, Utah. 1.94 Acres on BLM Land.**
- 7. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-017 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 21.2 Miles NE of Milford, Utah. 1.94 Acres on SITLA Land.**
- 8. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-018 for Milford Wind Corridor Phase III, LLC for a Met Tower Located 17 Miles NE of Milford, Utah. 1.94 Acres on Land Owned by Hetal Patel.**
- 9. REVIEW AND POSSIBLE APPROVAL of Conditional Use Permit Application # Z-2010-019 for Wah Wah Wind Corridor, LLC for a Met Tower Located 31.3 Miles NW of Milford, Utah. 1.94 Acres on SITLA Land.**

10. DISCUSSION of General Plan Utilities Element, including Official Map revisions # Z-2010-004 – Bruce Parker

Bruce Parker handed out packets of “draft” amendments to the *General Plan* and Major Utilities Corridor to all Planning Commissioners. Bruce Parker explained in detail the amendments.

Joyce Barney asked if any of the power lines cross the Sevier River. Bruce Parker said that any future power lines crossing the river would be prohibited. He specified that the amendment language is regarding major transmission lines, not power lines to residences.

Chairman Smith asked if the County Commissioners have the same copy of “draft” amendments that has been distributed to the Planning Commission. Parker responded that they do. Bruce Parker asked that this item be put on the September Planning Commission agenda for a public hearing.

*Agenda Item for September 1

11. OTHER BUSINESS

There was none.

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

There was none.

13. Adjourn

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

Robin Smith, Chairman
Millard County Planning Commission