

**MEETING OF THE
MILLARD COUNTY PLANNING COMMISSION**

**MEETING MINUTES
March 2, 2016**

The Millard County Planning Commission met on Wednesday March 2, 2016 at the Millard County Offices, 71 South 200 West, Delta, Utah.

PRESENT: David Sturlin Planning Commission Chairman
Joyce Barney Planning Commissioner
Molly Stevens Planning Commissioner
Greg Greathouse Planning Commissioner
Gary Walker Planning Commission Vice Chairman
Jodi Robison Planning Commissioner
Tom Nielson 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
Bruce Parker Planning Development Services LLC
Josh Case CEO Energy Capital Group
Christa Hudson Consultant EDF Renewable Energy
Adrienne Bell Holland and Hart EDF Renewable Energy Legal Counsel
Lou Brown SITLA
Amity Balbutin-Burnham Manager of Project Development, EDF- RE
Bryan Case President of Energy Capital Group
Dana Jordan Millard County Chronicle Progress
Zane Pentz Sunrise Engineering/Pavant Solar
Brian Pugh Magnum General 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 within 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 6:30 p.m. He welcomed all present.

2. **REVIEW and POSSIBLE RECOMMENDATION** on a C-2 Conditional Use Permit Application for a ½ mile 345kV Transmission Right-of-Way line from the ECG Utah Solar 1, LLC Energy System (major) to the IPSC Interconnect line to provide power to customers. Application # Z-2015-021. **EDF Renewable Energy – Applicant.** ECG Utah Solar 1, LLC – Project Company. Utah State School and Institutional Trust Lands Administration (SITLA) – Property Owner.

Josh Case approached the Commission. He gave a brief update on the ECG project. The corridor is approximately ½ mile long. Josh Case stated they had initially asked for a 1,000 foot wide corridor, but have changed to 150 foot wide corridor. He stated that the BOCC granted an extension for ECG Solar Conditional permit for a Solar Energy System (major) to April of 2017. When ECG is fully constructed the estimated cost of the project is \$600,000,000. It will create 400-500 construction jobs, and 5-7 high paying long term full time jobs, a substantial property tax revenue increase and spending in Millard County by those associated with the project. One of the exciting things is EDF Renewable Energy (EDF RE) has partnered with ECG. Josh Case stated that EDF RE is a leading U.S. independent power producer with more than 25 years of expertise in project development, operations and maintenance services.

Josh Case stated that he has made a couple requests with Planner Sheryl Dekker about some changes on the Staff Report. He asked to increase the height of the tallest structure to be up to 135 feet. In the initial report they only requested 85-95 feet. Planning Commissioner Chairman David Sturlin asked for verification on the amended staff report as it already states 135 feet. Josh Case stated that Planner Sheryl Dekker has already made the requested change in the amended staff report.

There was also some discussion about T15S, R6W Section 19. Josh Case stated that this should already be HI (Heavy Industrial) not RF (Range and Forest). Brian Pugh from Magnum stated that it has already been changed to HI back in 2010. Josh Case verified that the substation will be in section 20 and the transmission lines will be running out of Section 20 and through section 19. He then verified that the easement and transmission line will be going through section 19.

He also asked to modify the two, six month extensions to two, one year extensions. This will match up with other Conditional use permits within the county.

Josh Case then asked for the removal of the condition for an executed power purchase agreement (PPA). He stated that the project needs to maintain flexibility for power purchasing customers.

Josh Case then stated that all these requests have been made prior to the meeting and Planning Director Sheryl Dekker verified that these conditions do not exist on the second amended staff report as they have already been taken off. The amended staff report was provided to the Commission at the meeting.

There was some review and discussion of some maps that have been provided by Planner Sheryl Dekker. The maps showed the Millard County major utility corridors. The other maps showed the easement and right-of-way for ECG Solar.

Commissioner Greg Greathouse is concerned that there is not a requirement stating that ECG has to have at least one power purchase agreement (PPA) in effect before they break ground. Josh Case stated that there is a possibility of selling merchant which is just selling on the open market. He also stated that EDF RE is a great partner to work with, and they would not be partnering with ECG if they did not think that it was viable. Josh Case stated that ECG needs the flexibility to move forward without a PPA. They might be breaking ground as they are in the middle of negotiating a PPA.

Josh Case stated that ECG is competing with other companies all over the western United States that already have all their permits in order. With ECG having all their permits in order it will make them more viable for a PPA.

Josh Case then referred to application Z-2014-047 for a C-1 permit for an Electric Transmission Right of Way (minor) for property located 3 miles south of IPP, along the east side of the Jones Road for Intermountain Solar Plant, LLC. He stated there will be no consistency if the Commission does not approve ECGs' transmission line but approved the previous transmission line for Intermountain Solar Plant, LLC. Josh Case stated that the owner of this property confirmed that they have no PPA in place at this time. Planner Sheryl Dekker stated that application Z-2017-047 was for a Minor Transmission line as opposed to a Major transmission line that EGC is requesting.

Lou Brown from SITLA approached the Commission. He stated that the ECG lease is not going to allow them to turn a bunch of ground without meeting a bunch of requirements.

Planner Sheryl Dekker stated that in 2013 the Commission approved a C-2 permit for ECG Utah Solar 1, LLC for their 300 MW Solar Energy System project. Now ECG is just asking for a transmission line to connect to the IPSC interconnection.

Commissioner Jodi Robison stated she does not understand why we need to see a PPA before we give a favorable recommendation to the BOCC. She feels that is like asking a business to prove they will have customers before the business is even open. Commissioner Greg Greathouse stated that if ECG would at least

bring in a statement from SITLA stating that they are satisfied with it and why they are ready for ECG to proceed. Lou Brown stated that in the lease agreement with ECG it shows that ECG has to comply with certain requirements before they can break ground. Planner Sheryl Dekker stated that the lease agreement is in the packet that was given to each Commissioner tonight.

Commissioner Greg Greathouse then stated he is also objects to all the amendments that ECG has come up with right before the meeting and the Commission had no time to review the amended staff report.

Josh Case stated that he is just wanting ECG to be treated the same as all other conditional use applicants. Specifically for competing projects in the county.

There was some discussion about time frames and expiration dates for the other approved conditional use permits for ECG. Josh Case stated that if they need to re-apply for the permit then they will do so. Josh Case then stated if EDF is comfortable selling merchant on the open market then they should have the flexibility to do so. He stated that all the CUPs should be in harmony as the Commission already approved the solar plant but they just need the substation and transmission line to complete the process.

Commissioner Molly Stevens stated if the Commission does not add that they have to have a PPA then ECG can break ground now. Josh Case stated hypothetically yes, but they still have some conditions that they still need to meet. They are doing their biological and cultural studies, and they still have work to do with the State and US Fish & Wildlife Service (USFWS). They are still working on some other conditions as well so ECG is not ready to break ground right now.

Josh Case stated they have a 30 year lease with two 10 year options. If SITLA believes that ECG has not made enough progress in 5 years then they will want to have a discussion. But as of now SITLA is happy with the progress that has been made.

Commissioner Gary Walker stated if a PPA is not required to make this a viable project he is not sure that the Commission can add that as a condition. He then stated that SITLA will be keeping a close eye on this project. Josh Case stated that he communicates with SITLA daily. He then stated the transmission line and the substation are very necessary to connect the previously approved CUP.

Brian Pugh, General Manager on the Magnum projects, approached the Commission. He stated that the letter in front of the commission is something to clarify with the Commission. He stated that in it Magnum just wants to make sure that there are no conflicts with both Magnum and ECG's CUP's in the future. There are suggestions for potential conditions that are already in their easement. But if there are conditions in the CUP it would just be another reminder of the conditions that have to be met. Brian Pugh stated that he is asking for these

conditions because of the overlapping proximity ECG will have with Magnum. This transmission line crosses Magnum's gas storage header and the gas storage CUP. This is the first time on their project site that they have overlapped.

Brian Pugh stated that the first 2 conditions to consider on his handout are just the physicality of the lease itself.

1. A 150'-wide corridor matching the physical location of the SITLA Easement 2024;
2. The corridor be deemed exclusive to high-voltage transmission use rather than open access;

Brian Pugh then stated they clarified the "exclusive" language is specifically about the high voltage transmission line. He did state that the land owner does have the right to put anything they would want on there. That is why there is a no exclusive easement.

Brian Pugh stated that reasonable conditions 3-10 are just restatements of the actual conditions in the easement, and adding these conditions to the CUP would allow the Board of County Commissioners to be the land use authority.

Brian Pugh stated that the last paragraph on the handout is just a reminder to the Commission to analyze the potential for conflicting requirements that may exist from the overlap of CUP #Z-2015-021 if approved, with CUP # Z-2010-008 as each will have separate and distinct conditions that may influence the successful construction and operation of either project.

Commissioner Greg Greathouse stated that it will not be the Planning Commissions responsibility to enforce any of the easement conditions. Those conditions will be between SITLA, ECG, and Magnum.

Adrienne Bell, legal Counselor for EDF Renewable Energy, approached the Commission. She stated that after reviewing Magnums requested conditions, 3-10 do match up with the easement conditions. She stated that condition number 1 has already been addressed and they are fine with that condition. She then stated requested condition number 2 for the use of the line has already been addressed in their application. She asked the Commission to not add the conditions that have been requested. They already have the obligation to comply with these conditions through the easement. SITLA can enforce the easement. These requested conditions are not compatible with the conditions that the county can enforce. These conditions are not related to the land use requirements for the county.

Commissioner Gary Walker asked Adrienne Bell to verify that 3-10 on the conditions for consideration are redundant. Adrienne Bell stated that they are already embodied in the easement that has been executed and recorded. She

stated they are obligated to comply with the requirements. She also stated that 1 and 2 are addressed in the application.

Commissioner Gary Walker asked Brian Pugh if he was comfortable with everything that has been brought up.

Brian Pugh stated there is an overlapping of the lines and he would just ask that the Commission review both CUPs to make sure they are compatible, so there will be no issues.

Josh Case stated that SITLA consulted with Magnum about the easement and they had an agreement. There was a report that stated that there was an agreement with SITLA, Magnum and ECG.

Brian Pugh stated we could work offline to review the 2 CUP's and get this worked out before the BOCC meeting in 2 weeks. Magnum is not trying to stop the process for the transmission line of ECG. He just wants the Commission to be aware that they are overlapping and to review the CUPs. Josh Case made a request that the Commission send a favorable recommendation to the BOCC for the CUP, and they will work on the conflicting issues before the next BOCC meeting.

Commissioner David Sturlin asked Planner Sheryl Dekker about the Use Chart on the staff report. Planner Sheryl Dekker verified that the chart is wrong and the CUP is in HI (Heavy Industry). She stated that it is changed on the internet.

Commissioner Gary Walker made a MOTION to submit a favorable recommendation for a C-2 Conditional Use permit with application Z-2015-021 based on the facts that it meets the requirements of county code.

- a) The proposed use is a Conditional Use within the Zoning District as identified in 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 this Ordinance, all other applicable Land use Ordinances, and all applicable Federal, State and 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.

Commissioner Walker stated that the recommendation should include the reasonable conditions in the staff report. Also include as a condition, because this is an overlapping conditional use permit, that the existing conditional use permit be used as a standard of compliance and any condition that is not listed in this follow existing conditional use permit that was issued to Magnum. This conditional use permit cannot conflict with Magnum's conditional use permit.

Commissioner Jodi Robison stated that it does not necessarily have to comply with Magnum's CUP, but it definitely needs to be analyzed before it is approved. The BOCC should ensure the analysis has taken place before they approve a conditional use permit. Commissioner Jodi Robison **SECONDED** the motion. Voting was affirmative with the exception of Commissioner Greg Greathouse voted against the motion.

Commissioner Greathouse stated he would like some verification to this. He does not want to put the county in the position to look at the previous permits and do all the verification. He thinks we could look through the previous conditional use permit and add conditions to this permit. He does not want the Commission to be the ones to have the burden to proof that everything is in compliance.

- 3. 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 customers. Application # Z-2015-020. **EDF Renewable Energy – Applicant.** ECG Utah Solar 1, LLC – Project Company. Utah State School and Institutional Trust Lands Administration (SITLA) – Property Owner

Josh Case stated that the substation is vital to the project working. In the North West corner of section 20 is where ECG has their substation site. It is completely on ECG lease with SITLA. It does not encroach on anyone else.

Josh Cases stated that they have asked for similar modifications including: modification of two, 6 month extensions to have two, 1 year extensions, and the removal of the PPA. So this permit will match with the other permits and give them the flexibility.

Commissioner David Sturlin asked if the Migratory Bird Act and Sage Grouse Act are part of the conditions that ECG has to comply with now. Josh Case stated that they have done their biological studies. They have found that there are no

endangered species. They have been consulting with the Department of Wildlife and they will continue working with them. US Fish and Wildlife issued a letter to ECG stating that there are no concerns regarding the Endangered Species Act. One of the recommendations in the biological study was either to start the construction process after the breeding season which is late May, or to mow or scrap the land so there is no prior habitat for potential nesting. Planner Sheryl Dekker stated that Millard County does not have any Sage Grouse habitats. Josh Case stated that there were no Sage Grouse identified in their biological study report.

Commissioner Molly Stevens asked for few minutes to review some of the changes in the amended application. Commissioner David Sturlin stated that Josh Case just told the Commission what changes have been made to the amended CUP. Josh Case verified that they are the same changes to match the transmission line CUP.

Commissioner Gary Walker made a MOTION to make a favorable recommendation to the BOCC for the issuance of a conditional use permit for application Z-2015-020. Based on the fact that it meets the county requirements for a conditional use permit. Including the recommendations listed on the staff report:

- a) The proposed use is a Conditional Use within the Zoning District as identified in 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 this Ordinance, all other applicable Land use Ordinances, and all applicable Federal, State and 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.

The motion should also include all other recommendations listed in the staff report. Commissioner Joyce Barney **SECONDED** the motion. Voting was affirmative with the exception of Commissioner Greg Greathouse who voted against the motion.

4. **REVIEW and POSSIBLE RECOMMENDATION** on a C-2 Conditional Use Permit Application for a solar energy system (major) for the purpose of constructing a 20 megawatt single-axis tracking photo voltaic solar energy generation facility located at approximately two miles west of the intersection of Sheep Trail Road (W 8900 N) and Coats Road (N 400 W), Delta Grid. Pavant Solar III, LLC (JUWI Wind) – Project Owner. McCornwood Enterprises, LLC (Greg Kesler) – Property Owner.

Commissioner David Sturlin opened this agenda item and asked if there is someone here for Pahvant Solar. Commissioner Molly Stevens stated this is under the Fillmore grid not the Delta grid. Planner Sheryl Dekker confirmed it is under the Fillmore grid and will correct the staff report.

Zane Pence with Sunrise Engineering approached the Commission. He stated he is here representing Pahvant Solar III, LLC. He stated that this company (JUWI) has already completed Phase I. They are in the construction stage on Phase II. He stated that Phase III is on the West side of Phase II. Phase III will be a little less than half the size of the other two phases.

Commissioner Greg Greathouse asked if Rocky Mountain Power is purchasing power from these projects. Zane Pence stated that his understanding was that Rocky Mountain Power is buying the power. Planner Sheryl Dekker stated that Rocky Mountain Power is buying power from the other two projects.

Commissioner Gary Walker stated that Millard County Road Department Superintendent Brandon Winget has added a notation to keep power poles off the rights of way. Zane Pence stated he is not aware that they are putting in any power poles. Planner Sheryl Dekker stated this is the 3rd phase and there are not any power poles because they have the substation right there. Commissioner Gary Walker stated we could add this concern as a condition.

Commissioner Gary Walker asked if the zoning is already compliant. Zane Pence confirmed that the zoning was approved during the process of Phase II. Commissioner Joyce Barney asked if it is common to have these for 20 years. Planner Sheryl Dekker stated it is typical to have the conditional use permit for as long as the useful life of the project. Commissioner Greg Greathouse stated that Pahvant Solar is the one that put the 20 years on the application.

Commissioner Molly Stevens stated that in Phase II they stated they were going to have a job fair and get more local workers. She asked if that was done. Zane Pence stated they have been getting more local workers. Commissioner Gary Walker stated that he has seen the local advertisement for the job fair.

Commissioner David Sturlin stated that in their project report it states the annual

operation and maintenance spending is expected to range from \$50,000 to \$75,000 and include local services contracts.

Zane Pence then stated that he is not aware if they are going to continue on with other phases. He is not sure if they have enough property to deal with any more phases. But they may come back in the future. Commissioner Joyce Barney asked if they are already at full power capacity on Phase I. Zane Pence stated that his understanding was they are at full power capacity on Phase I.

Commissioner Joyce Barney made a MOTION to make a favorable recommendation on application #Z-2016-001 to the BOCC. Basis for issuance of a conditional use permit:

- a) The proposed use is a Conditional Use within the Zoning District as identified in 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 this Ordinance, all other applicable Land use Ordinances, and all applicable Federal, State and 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.

Approve the permit with the reasonable conditions that have been stated in the staff report. She added the condition that if there should be no power poles on the rights of way on county roads. Commissioner Tom Nielson SECONDED the motion. The voting was unanimous in the affirmative.

5. REVIEW and POSSIBLE RECOMMENDATION on new “Draft” Subdivision Ordinance” dated 02/03/2016, including, Certificates of Approval and other Documents

Bruce Parker approached the commission to discuss the drafted Ordinance. Commissioner Greg Greathouse stated he needed to leave early but he has a

couple of questions. He asked what the purpose was for 11-1-15: Restrictions for Solar and other Energy Devices. Bruce Parker stated that the provision is just to comply with the statutory requirement of state law.

Commissioner Greg Greathouse asked about the Non-Plat Subdivision 11-2-12: 3) A Non-Plat Subdivision that does not meet the requirements of this Ordinance may be corrected by recording an affidavit to which the Planning Commission's Certificate of Approval is attached. He is aware that the Commission has been correcting these types of things and he does not object to it at all. It did raise the question if the Commission should have the certificate of approval voided if the Commission asks them to correct it and it isn't corrected. He stated that there should be some kind of remedy if it is a legal thing and it doesn't get corrected. Bruce Parker stated that again this is part of the State Law. But this is a great point. Attorney Richard Waddingham stated there would be an option to bring a criminal or civil option. Commissioner Greg Greathouse stated that maybe we should add a provision.

After that discussion Commissioner Greg Greathouse stated that he was satisfied with the changes that have been made to both the Land Use Ordinance and the Memorandum. He was then excused from the meeting at 7:58 pm.

Bruce Parker stated that there are a couple of items that he would like to talk about. He brought up the Memorandum Draft for Plat Subdivision. He stated that these are required to go through a different process for the plat and non-plat subdivision. He discussed how the approval process works and the steps that an applicant will have to take.

Bruce Parker stated that Commissioner Joyce Barney suggested having the Commission be the approval body for preliminary plat as the Commission are the ones that know the issues with the application. With this change it would take out one of the steps for approval of the plat subdivision. Commissioner Gary Walker asked if we make that revision and take out the first approval from the BOCC, does the Commission have the knowledge of the process for all other areas of the county, like the road department, fire protection, and things like that. Commissioner Joyce Barney stated that it will be in the Planning Administrator's checklist as the applicant has to get a signature from all the other departments.

There was more discussion about the approval process amongst the Commission. Commissioner Gary Walker stated why not make it a 2 step process if the BOCC is going to modify the final approval. Commissioner Joyce Barney stated that the applicant will still have to get the County Commissioner, the County Attorney, and all other authorities' approval.

Commissioner Tom Nielson stated that the Planning Commission has to follow guidelines to approve applications. But the BOCC can overrule the guidelines.

Commissioner Gary Walker stated that the BOCC is a legislative body they can overrule the guidelines.

Commissioner Joyce Barney stated we should go through the subdivision application before we discuss the approval process. Commissioner Gary Walker and Commissioner Joyce Barney stated that they would like to see the final plat if the BOCC made any changes.

Commissioner David Sturlin stated he would rather see a three step process to save the applicant some time. Commissioner David Sturlin asked if there is anyone that objects to the three step process. Bruce Parker stated he will make the change.

Bruce Parker brought up Section 11-1-20 Minimum Domestic Water Standard. There was some discussion about the requirements and revisions that have been proposed and discussed previously. Bruce Parker gave a few examples of lots that would not need the requirement of water.

Bruce Parker talked about the Land In Agricultural Use that was added in the Millard County Administrative Manual. There was more discussion about the water requirements. The Commission agreed that the way it is in the drafted ordinance is stated well. It is saying what the Commission wants it to say.

Bruce Parker mentioned that the Commission may wish to consider providing a process for determinations of legal lots of record and valid subdivisions. He asked how we are going to determine if someone has a legal lot. Rather than having the Planning Director track this down it should be up the applicant or land owner.

Bruce Parker stated he will go back and send out a memo of everything the Commission has confirmed tonight.

Bruce Parker stated that he has removed and tightened up many of the things in the ordinance. He asked the Commission if they are prepared to make a recommendation to send this to the BOCC or do we need to bring it back.

Commissioner Joyce Barney stated that the Commission should have a requirement that the taxes are current before we approve applications. Attorney Richard Waddingham stated that if we want to make that a condition we need to add it to the ordinance. Commissioner Jodi Robison stated she does not want to see this as part of the ordinance. Planner Sheryl Dekker agreed with Commissioner Jodi Robison.

Commissioner David Sturlin asked if we would like to table this to the next meeting. Commissioner Joyce Barney and Commissioner Gary Walker would like to see the new revisions before the Commission makes a recommendation.

Bruce Parker stated that there will be a number of changes but most of them will be the changing of a word or spelling and then the changes the Commission talked about tonight.

There was some discussion if the Planner would be responsible to take the platted subdivision to recorder's office so the Planning Commission would be the last ones to touch it and that would confirm that there will be no modifications. Planner Sheryl Dekker stated we can add the Recording fee to the application if needed. Commissioner Joyce Barney asked what would happen if the applicant does not want to get the plat recorded. If their development cost has changed or any other thing. If they do not want it recorded they could call the Planner to get it worked out.

Bruce Parker stated he will have one more conference call with Attorney Richard Waddingham and Planner Sheryl Dekker. He then stated he will have the amended draft to the Commission within 14 days.

Commissioner Gary Walker made a MOTION to table the recommendation on the Draft Subdivision Ordinance until the documentation has been provided to the Commission to review. Commissioner Molly SECONDED the motion. Voting was unanimous in the affirmative.

6. REVISIT DISCUSSION REGARDING MOUNTAIN CABINS and REQUIREMENT FOR WELLS – County Commissioner Dean Draper

Millard County Commissioner Dean Draper approached the Commission to discuss mountain cabins. He stated he will get with Attorney Richard Waddingham and supply the Commission with a document to review.

There was some discussion on how the owner would get water to the cabin. Millard County Commissioner Draper stated the owner could haul in water. He then stated that the BOCC can direct the building inspector in the way to approve mountain cabins. Commissioner Gary Walker asked if there is a reason why he is wanting Mountain Cabins. Millard County Commissioner Dean Draper stated that there is no reason why this county should not be allowing mountain cabins. He stated that Millard County is one of the few counties in the state that does not allow mountain cabins.

Commissioner Molly Stevens asked if the county would still be responsible to maintain the county roads that go to these cabins. Millard County Commissioner Dean Draper stated that it would not require a maintained county road to the piece of property. Planner Sheryl Dekker asked about fire suppression. Millard County Commissioner Draper stated that they could put a caution in the ordinance that their building could burn down. Attorney Richard Waddingham talked about a waiver clause.

Commissioner Molly Stevens asked if this is only for recreational use. Millard County Commissioner Dean Draper stated that it would not be limited to recreation. He stated that south of the Fillmore cemetery there is an area that

has about 20 cabins. This is state-wide and it is not just something that is going on in Millard County. There was some discussion about the fire departments' responsibility if there was a fire on the lots.

Commissioner Jodi Robison asked if dry cabins pay property taxes. Millard County Commissioner Dean Draper verified that they pay property tax even if it is a second home. (in fact, the rate is higher for a second home)

Commissioner Gary Walker asked how we can differentiate a mountain cabin from a residence. There is no differentiation of these kinds of properties. Commissioner Gary Walker stated that as a former building inspector he sees this to be a something that could cause many conflicts in the future.

Commissioner Molly Stevens stated if we do not require a road there will be a lot of growth. Commissioner Jodi Robison stated that if there is no distinction then we can't really enforce anything with any lot.

Millard County Commissioner Dean Draper stated that one of the things about planning and zoning is you cannot control every little thing.

Millard County Commissioner Dean Draper stated that he has been looking at the subdivision ordinance. He stated that sometimes the Commission should ask the BOCC what they think about the ordinance. The BOCC is not obligated to come tell the Commission what they think. It should be a collaborative process. He stated that the elected officials are accountable for the appointed Commission and other Boards. Millard County Commissioner stated that the matter for dry cabins should be approached to the BOCC and the Commission should be present with all their concerns. Otherwise the BOCC is going to read it and form their own opinions. Millard County Commissioner Dean Draper would like the commission to figure out an ordinance that will be satisfactory to this request.

Commissioner Gary Walker stated that he does believe there is an appeal process and the BOCC is the next step if the Commission does not approve. He then stated that the Commission does not typically create ordinances from ground zero. The way he understands the process is that someone will draft the change and bring it to the Commission for a recommendation. It should not be the Commission's responsibility to draft something like this. Millard County Commissioner Dean Draper stated this is just a free discussion. But he would like the Commission to give this a lot of thought. Commissioner Gary Walker was excused from the meeting at 9:17 pm.

Commissioner David Sturlin verified that Attorney Richard Waddingham and Millard County Commissioner Dean Draper will be putting something together for the Commission to review and consider adding to the ordinance.

7. APPROVAL OF MINUTES – January 6, 2016 (No February meeting)

The proposed minutes of the regular Planning Commission meeting held January 6, 2016 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 January 6th, 2016 as corrected. Planning Commissioner Jodi Robison SECONDED the motion. The voting was unanimous in the affirmative.

8. PLANNING and ZONING ADMINISTRATOR'S REPORT

- UCIP Planning and Zoning training April 13, 2016, at Davis Conference Center, Layton.

Planner Sheryl Dekker stated that this meeting was not originally planned to include Planning Commissioners. But there is one in November that she will get more information on.

9. PUBLIC INPUT

10. OTHER BUSINESS

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

12. ADJOURNMENT

Planning Commissioner Molly Stevens made a MOTION to adjourn. Planning Commissioner Jodi Robison SECONDED the motion. The voting was unanimous in the affirmative. The meeting was adjourned at 9:39pm.

Dated this ___ day of _____ 2016
David Sturlin, Chairman
Millard County Planning Commission