

**MINUTES OF COMBINED COMMISSION WORKING & REGULAR SESSION
MEETING HELD MONDAY, APRIL 15, 2024, BEGINNING AT 9:00 A.M. IN
DUCHESNE, UTAH**

Present –

Commissioner Irene Hansen, Commissioner Tracy Killian, Attorney Stephen Foote, Clerk-Auditor Chelise Jessen, Public Works Director Mike Casper, Public Works Deputy Director Clint Curtis, Human Resource Director Judy Stevenson, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Economic Development Director Deborah Herron, Treasurer Stephen Potter, Duchesne County Residents Tracy Ross, Jeff Chug, Bryan Winterton, Hobart Willis, and Fred Goodrich, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes. Commissioner Greg Miles via Zoom until the 1:00 pm Public Hearing.

Opening Comments

(9:00 a.m.)

Chairperson Hansen welcomed everyone to the meeting.

Pledge of Allegiance

(9:01 a.m.)

Public Works Update

(9:02 a.m.)

Public Works Director Mike Casper gave an update on existing projects and upcoming work. They teamed up with Moonlake Electric again to trim trees. The County provided traffic control. They are working on the shoulder of LaRue Lamb Trucking Road (CR 49). It should be completed this week. The culverts they received calls about are being assessed and cleaned out. UDOT owns one of the culverts in question. Director Casper will contact them. The bolt-a-plate culvert on Koch Road (CR 377) is assembled. They are backfilling it in. The project should be complete within a week or so. The parties discussed County parking lots that need to be repaired or repaved.

Auditors Office – Vouchers

(9:09 a.m.)

Clerk-Auditor Chelise Jessen presented the April 15, 2024, vouchers, check numbers 164766 through 164853, for \$755,511.63. The parties reviewed the vouchers submitted. *Commissioner Miles made a motion to approve the vouchers for April 15, 2024, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Treasurers Office – Tax Adjustment

(9:14 a.m.)

Treasurer Stephen Potter presented a tax adjustment for parcel 9267. We need to remove the tax due to a state valuation error. Confusion arose from the sale from RNI to Rewater LLC for a credit of \$366.64. The parties discussed the tax adjustment. *Commissioner Killian made a motion to approve the tax adjustment as presented. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion & Consideration for the Letter to the BLM for Utility-Scale Solar Energy Draft Programmatic Environmental Impact Statement (PEIS)

(9:09 a.m.)

Community Development Director Mike Hyde presented a 13-page letter to Mr. Jeremy Bluma at the National Renewable Energy Coordination Office, Bureau of Land Management Headquarters, addressing utility-scale solar energy development across 11 western states, including Utah. A portion of the letter reads: After an exhaustive attempt to provide substantive comments as a Cooperating Agency, the County cannot in good faith support any of the five proposed alternatives. During the Cooperating Agency review of the draft documents, the County, as well as several other governmental entities, proposed a sixth alternative that was discounted by the Bureau of Land Management (“BLM”) as being “substantially similar” to the existing alternatives. This is a false narrative since Alternative 5 is similar in many ways to Alternative 3 and 4 but not to the Western Alliance “Smart from the Start” Alternative (proposed as Alternative 6). The Smart from the Start Alternative focuses on “Disturbed Lands” and “Low Conflict Lands.” These definitions were not analyzed in Alternatives 1 through 5.

The ultimate success of this Draft PEIS hinges on the ability of the BLM to reduce conflict – particularly with the grazing community and grazing permit holders that have been ranching on BLM lands for decades. The County calls on the BLM to incorporate Alternative 6 into its analysis and once again open the Western Solar PEIS for public comment to highlight the federal understanding of these issues and to show dedicated interest in preserving the multiple uses and sustained yields mandates required by the Federal Lands Policy Management Act. The County recognizes that this request does not align with the BLM’s predetermined timeline; however, incorporating Alternative 6 into the analysis is necessary to meet the requirements of NEPA to analyze a full range of alternatives.

Furthermore, the County calls on the BLM to significantly reduce the number of acres across Utah and the 11-state planning area available for utility-scale solar. The BLM’s utility-scale solar goal calls for 700,000 acres across the 11-state planning area over the next 20 years. Unfortunately, the BLM’s preferred alternative (Alternative 3) would put an unnecessary target on 22 million acres – 32 times the area needed to achieve the goal. The County recognizes that utility-scale solar project developers need options to determine the feasibility of projects; however, 32 times the land necessary to meet the goal is unacceptable. In fact, five times the goal would still be acceptable because it highlights that the PEIS process did not accurately analyze BLM-administered lands that would be best suited for utility-scale solar development. Analyzing and Adopting Alternative 6 to refine utility-scale solar areas that are “disturbed lands” and “low conflict lands” would significantly limit the multiplier effect and decrease contention and fears related to this PEIS. This is the only path forward to expedited utility-scale solar on public lands.

In conclusion, the County recognizes that the BLM’s 2012 Western Solar PEIS was ineffective. Furthermore, the County hopes that this version of the Western Solar PEIS will not be dead on arrival because the BLM failed to work with state and local governments during the planning processes to allow utility-scale solar on “disturbed lands” and “low conflict lands.” Displacing valid, existing rights, including but not limited to grazing rights, will not be tolerated. The County is very displeased with the BLM’s failure to work with Cooperating Agencies and to consider all reasonable alternatives. The County welcomes utility-scale solar development on public lands where and when conflicts can be avoided, minimized, or mitigated. Alternatives 1 through 5 do not provide sufficient accountability to allow for these desired outcomes. Duchesne County opposes Alternatives 1 through 5

and requests that the BLM analyze and adopt Alternative 6 as the most reasonable alternative. This alternative will still provide ample opportunity for utility-scale solar development on public lands.

The goal of 700,000 acres across the 11-state planning area is still possible if the BLM makes a significant and immediate course correction, complies with state and local resource management plans, reduces conflicts, and is more intentional about the scale and scope of the Utility-Scale Solar Energy Draft PEIS. Otherwise, this Draft PEIS will be very difficult to adopt and implement.

The parties discussed the letter. *Commissioner Killian makes a motion to accept and sign the letter. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.*

Discussion of Possible Subjects for the Next Meeting

(9:28 a.m.)

Consideration of Minutes for Combined Commission Meeting held April 8, 2024

(9:29 a.m.)

The parties reviewed the combined Commission meeting minutes on April 8, 2024. *Commissioner Miles made a motion to approve the minutes for April 8, 2024, as presented. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Calendaring & Weekly Update on Events

(9:36 a.m.)

Recess 9:50 a.m. to 10:02 a.m.

Commissioner Killian made a motion to recess. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Human Resource Update

(10:02 a.m.)

Human Resource Director Judy Stevenson gave an update on the department. According to State Statue 63G-1-301-1-f – Juneteenth should be observed on Monday, June 17th this year. All of the County Departments will be closed that day. The 2024 County Payday and Holiday Schedule will be updated. Director Stevenson listed the open positions for the County.

Closed Meeting – Strategy Session to Discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual;

(10:08 a.m.)

Commissioner Miles made a motion to go in and out of a closed meeting for a strategy session to discuss: The Character, Professional Competence, or Physical or Mental Health of an Individual. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Back in Session

(10:49 a.m.)

No action is to be taken.

Recess 10:50 a.m. to 1:00 p.m.

Commissioner Killian made a motion to recess. Commissioner Miles seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Public Hearing 1:00 p.m. – Amending the Flood Damage Prevention Chapter of the Duchesne County Zoning Ordinance

(1:00 p.m.)

Present –

Commissioner Irene Hansen, Commissioner Greg Miles, Commissioner Tracy Killian, Attorney Stephen Foote, Community Development Director Mike Hyde, Community Development Assistant Director Mike Gottfredson, Duchesne County Residents Bryan Winterton, Hobart Willis, and Fred Goodrich, and Commission Executive Assistant Melissa Hughes is taking the meeting minutes.

Commissioner Killian made a motion to go into a public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Community Development Director Mike Hyde explained that Duchesne County proposes to amend its zoning ordinance to update the Flood Damage Prevention chapter to comply with the requirements of the National Flood Insurance Program, as recommended by the State Floodplain Program Manager in the Utah Division of Emergency Management. The proposed amendments are needed to align with the new “RiskMAP” project data being developed for the County.

A recent audit of the county code by the Division of Emergency Management revealed needed amendments as follows:

- Establish definitions of “Base Flood Elevation” and “Best Available Data” in Section 8-7-5.
- Insert text in Section 8-7-7 to commit the County to use the best available data to regulate floodplain development, with the most restrictive data to be used if there is conflicting data.
- Insert text in Section 8-7-15 to ensure that the County notifies the Division of Emergency Management before watercourse alterations (this notification routinely occurs when applicants apply for a stream alteration permit with the State Engineer). Through this notification process, the County and state authorities can ensure that the watercourse's flood-carrying capacity is maintained.
- Insert text in Section 8-7-17 to require the County to use the best available data, pending Base Flood Elevation (BFE) data being made available by the future FEMA flood study, to ensure that the lowest finished floor level of new residential structures is elevated one foot above the base flood elevation. Non-residential structures are either elevated one foot above the BFE or floodproofed. The best available BFE data shall also be used when evaluating new subdivisions and mobile home parks greater than 50 lots or 5 acres in size (whichever is less).

The proposed ordinance amendment was reviewed during a public hearing conducted by the County Planning Commission on April 3, 2024. The Planning Commission voted unanimously to recommend approval of Ordinance #24-405.

Public Comments

(1:09 p.m.)

There were no public comments.

Commissioner Miles made a motion to close the public hearing. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

Discussion & Consideration of Ordinance #24-405; An Ordinance Amending Title 8, Chapter 7 of the Duchesne County Zoning Ordinance Regarding Flood Plain Management

(1:11 a.m.)

Community Development Director Mike Hyde presented Ordinance #24-405; An Ordinance Amending Title 8, Chapter 7 of the Duchesne County Zoning Ordinance Regarding Flood Plain Management. The parties discussed the ordinance. *Commissioner Miles made a motion to adopt the findings recommended by the Planning Commission and approve Ordinance #24-405, amending the Flood Damage Prevention chapter of the Duchesne County Zoning Ordinance. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.*

Public Hearing 1:15 p.m. – Ordinance Amending the Duchesne County Zoning Ordinance Provisions for Oil and Gas Drilling and Production Facilities

(1:17 p.m.)

Commissioner Killian made a motion to go into a public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Community Development Director Mike Hyde explained that the County Planning Commission opened a public hearing on April 3, 2024, to consider an ordinance amending the zoning ordinance provisions associated with oil and gas drilling, production, and labor camps and establishing a new code associated with flare gas power generation.

The Planning Commission received several verbal and written requests to recess the public hearing and honored those requests by recessing it until 5:00 PM on Wednesday, June 26. The Planning Commission also directed staff to separate the ordinance topics into three separate ordinances: one for oil and gas drilling and production, one for labor camps, and one for flare gas power generation.

Finally, the Planning Commission appointed three of its members (Tom Winterton, Shon McKinnon, and Terry Nelson) to serve on a subcommittee that will meet with stakeholders in the industry and community to review, discuss, and fine-tune the proposed ordinances prior to the June 26th hearing.

In light of these developments, it is recommended that the County Commissioners recess their public hearing until at least July 8, 2024.

Public Comments

(1:22 p.m.)

Fred Goodrich and Hobart Willis, neighbors in Ioka, Duchesne County, introduced themselves. Hobart Willis stated he lives 500 yards from a BitCoin Mine facility. The noise from the facility has been measured and hits between 50 and 80 hertz. The noise is not his primary concern; he said the vibrations from the facility are extreme. He had to stop

hatching pheasants because of the birth defects that he thought were caused by the vibrations. The micro-vibrations negatively affect his lifestyle, livestock, and the local wildlife.

Fred Goodrich said this started in November 2023. They met with the company to address their concerns. A sound barrier wall was installed, but no improvements were made to the sound or vibrations. He has asked for the data the company is collecting, but they have not provided it. He is concerned about his property value; who would buy the property with the hash pad as a neighbor? He suggested that if more BitCoin Mine facilities come into the County, they should be placed away from residential areas.

Hobart Willis said that five trucks with California license plates came to the site when the company conducted sound testing. The flare gas was released differently than usual, and the noise and vibrations were significantly less for the five-day testing period. Once the testing was completed, the flare gas was changed to how it was previously released, and the noise and vibrations increased.

Commissioner Miles made a motion to close the public hearing. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The motion passed.

(1:42 p.m.)

The parties discussed the effects of the BitCoin Mine facility.

Commissioner Killian made a motion to go into a public hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Commissioner Killian made a motion to recess this public hearing until July 8, 2024, to allow time for stakeholders to meet and discuss the contents of the proposed ordinances and for the Planning Commission to continue their review at the June 26, 2024, hearing. Commissioner Miles seconded the motion. Commissioner Killian voted aye, Commissioner Miles voted aye, and Commissioner Hansen voted aye. The motion passed.

Community Development Director Mike Hyde presented a proposed ordinance for the oil & gas drilling and production facilities for the parties to review.

Adjournment

(1:57 p.m.)

Commissioner Miles made a motion to adjourn the meeting at 1:57 p.m. Commissioner Killian seconded the motion. Commissioner Miles voted aye, Commissioner Killian voted aye, and Commissioner Hansen voted aye. The forum adjourned.

Read and approved this on the 22nd day of April 2024.

Irene Hansen

Commission Chair

Chelise Jessen

Clerk-Auditor

Minutes of the meeting prepared by Commission Executive Assistant Melissa Hughes