

**MINUTES
OF THE REGULAR MEETING OF THE
TOOELE COUNTY PLANNING COMMISSION
HELD SEPTEMBER 16th, 2020**

The time place and agenda of the meeting had been provided to the Tooele Transcript and to each member of the government body by delivering copies of the notice of agenda at least two days before to each of them.

1. Vice Chairman Brad Bartholomew **called meeting to order at 7:00pm. Roll Call** was taken showing himself, Jeff McNeill, John Wright, and Lynn Butterfield, and Paul Kunz (online). Present.

Excused: Scott Jacobs. Not Present: Jessica Blundell, Ryan Sorensen, and Michael Pressley.

Staff: Jeff Miller, Planner. Rachelle Custer, Community Development Director. Colin Winchester, Deputy County Attorney. Trish DuClos, Code Enforcement/Planner., and Teresa Young, Community Development Secretary.

2. **Approval of Meeting Minutes** from September 2nd, 2020 **motion to approve** by Lynn Butterfield, second by Jeff McNeill. All in favor.
3. **Update regarding General Plan and Transportation Plan Updates.**

Jeff Miller stated that we are in the process of wrapping up a consultant and we are looking at a timeline of 10-14 months.

Jeff McNeill asked how the process will play out and how will we get the public more involved? Jeff Miller replied we have narrowed down the consultant and they have ideas on how they will approach public engagement.

Rachelle Custer stated that last time it was open to the public and the public didn't want to be involved. Lynn Butterfield stated that we made huge efforts to get the public involved. For them to say we didn't invite them is hogwash. Jeff McNeill stated he was disappointed more didn't show up last time and for the record we invite the public to all of these meeting and we want their input.

Lynn Butterfield stated that the point is this, this is a community wide plan for the whole county. We are looking for what will help the county as a whole. If a group of people were to come and force the general plan focused on their neighborhood and what they want that is not appropriate either.

John Wright asked if the consultant process is only going through Staff and County Commissioners. Jeff Miller replied yes. Rachelle Custer stated that scoring sheets are being done by WFRC (Wasatch Front Regional Council).

Lynn Butterfield stated that there are some things in the county that I believe are unique. As a planning group we should be looking at those items, look at preservation areas for wild horses and wildlife populations and corridors for them to travel. What can we do to create an economic direction for the county? Let's look at economic focus areas for the general plan. What can we do

to work with the economic development team? Rachelle Custer stated there was an element in the RFP for an economic development proposal.

4. **SUB 2020-01** Skylar Tolbert (on behalf of Ivory Homes) is requesting final plat approval for the Sagewood Village (Phase 9) Subdivision. **Parcel ID:** 05-036-0-0080. **Acreage:** Approximately 6.54 Acres. **Approximate Location:** Located immediately east of (Phase 6) of the Sagewood Village Subdivision. **Unincorporated:** Stansbury Park. **Planner:** Jeff Miller.

Open Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

No Public Comment

Close Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

Lynn Butterfield **motion to grant approval** to the Final Plat for proposed 32-Lot Sagewood Village (Phase 9) Subdivision, subject to the following conditions of approval:

1. The civil bonding will be in place prior to the final plat being recorded.
2. No building permits will be granted until the final plat has been recorded.

Second by Jeff McNeill.

Roll Call Vote: Lynn Butterfield, aye. John Wright, aye. Jeff McNeill, aye. Paul Kunz, aye. and Brad Bartholomew, aye. All in favor.

Motion has passed.

5. **REZ 2020-98** Stuart Coles is requesting a rezone from MU-40 (Multiple Use, 40 Acre Minimum) to M-D (Manufacturing Distribution) in association with the Ophir Canyon Solar I Project.

Parcel IDs: Portions 06-057-0-0002, 06-057-0-0001, and 06-050-0-0003. **Approximate Site Location:** Located southeast of Stockton and north of Highway 73. **Zone:** MU-40 (Multiple Use, 40 Acre Minimum to M-D (Manufacturing Distribution). **Unincorporated:** Ophir Canyon/Lower Peak Area. **Planner:** Jeff Miller.

Lynn Butterfield suggested to hear the two items in tandem and then vote separately.

Jeff McNeill asked if staff has gone out to see this road and its condition? Jeff Miller replied that he hasn't drove out there but has zoomed in on pictometry maps.

Jeff McNeill has concerns with the road being named Winter Elk Road, there is usually a reason why roads are named what they are, will this be cutting into a migratory path for elk? Jeff Miller replied we would need to do research, but the applicant has stated they will build a fence around the project.

John Wright asked if the county is willing to vacate the road? Jeff Miller replied that Planning Staff is supportive as long as that northern access point is preserved but that is up to the County Commission.

Jeff McNeill stated some concerns with BLM later cutting off access. Jeff Miller stated applicant will reserve some property to relocate a road. Jeff McNeill ask what if BLM does a land swap? Jeff Miller replied it's still a prescriptive county road. The county can inherit rights to access that.

Lynn Butterfield stated he has concern that the county is entering into an agreement to create a road that where they don't have any property but all around them is federal land. Are we creating an agreement to set the county up to fail? Jeff Miller stated the county wouldn't be responsible it would be the applicant. Rachelle Custer stated it is like the Horseshoe Solar Project. Lynn Butterfield asked if we just assume the applicant has to create the road, does it mean the fence will have to be moved so there is a public access? Jeff Miller replied when they build the new fence around the perimeter, I assume they would build that it in an area that doesn't include that northern edge, in anticipation of ever having to do that.

Colin Winchester, attorney. Asked, is the agreement as such that if BLM closes the road and JUWI (applicant) rebuilds the road, it will be at their expense? Jeff Miller stated it would be the applicant's full responsibility. Rachelle Custer replied, in the past the County Commission has put in a cross section of where they would want the road to be.

Stuart Coles, Project Development Representative for the applicant, stated a little background about JUWI. They are based in Colorado and have been around for 12 years, currently they have 3 projects in Utah. Our company specializes in business development and site selection, they do a full scope. Anything from the initial site selection, construction, operations, and maintenance. We do have invested interest in this project and have been working on it for a few years. This rezone will be an appropriate approach. Its nearby other like zones and more then anything its an economic opportunity. This will bring initial revenue to the county. We know the rezone is just the beginning, pending the decision made here. We know we will still have CUP processes for all projects. The County has a strong code for new uses. As it pertains to the solar project, we are transparent about what we envision, about 445 acres would be used for the solar arrays. We have targeted 2022 or 2023 for completion and have been working with Rocky Mountain Power. We have worked with BLM to get the right of way, that was approved last year. We have a lease agreement with the landowner for the lifetime of the project.

Lynn Butterfield speaking of streams of revenue, what is the benefit and what is the total revenue of those streams over the lifetime? Stuart Cole replied often times property tax rights will be the prime benefit. In addition, with a project like this there is construction for 8-12 months that will bring secondary benefits, such as sales taxes and workers staying in town. I don't have an exact number, but I can follow up to get a clearer number. Lynn asked if there would be reoccurring revenue from the sale of electricity? Stuart stated revenue would be exclusively from property taxes. Lynn suggested we should form a task force and find a way to benefit citizens from reoccurring revenue of utility generation.

Jeff McNeill asked about property tax revenue, we are already getting that off this land, is there a projection of how that will increase and, in your experience, how much does that increase? Stuart Cole replied that with a little more digging it looks like about 780 thousand in the first year which I understand to be a relatively significant jump from the property currently.

Jeff McNeill asked if they will be hauling gravel down the roads and wrecking our roads? Stuart Cole replied that actual land surface is native grass, there would be some use of the county and state roads to put in the new infrastructure but for fill and gravel we try to retain the contour on the landscape as much as possible. To circle back on property taxes, we are still looking at multiples of hundred thousand a year. It will continue to provide revenue stream to the county.

Jeff McNeill asked about the environmental impact. Its exposed to wildlife and now you are covering it with 568 acres of panels, how does that affect the current conditions? Stuart Cole replied that at the land evaluation we look to see if there are any endangered species. Within the application there might be a wildlife report that describes some of those conditions. The site has habitat value and it has also had history of recent use and grazing. Our biologist found exotic species to be not as high as you find elsewhere. Much of the area will continue to be used for grazing.

Lynn Butterfield asked if they have ever worked with a municipality or county for the creation of a municipal mutual power company? Stuart Cole replied no, we've built projects for municipalities, but we have not built an initial creation of a utility. Lynn asked how successful would you characterize them. Stuart replied it depends on the municipality and on how their system is set up and how much flexibility they have, unfortunately not one size fits all.

Jeff McNeill asked about the existing water line showing on one of the maps. Stuart Cole replied he believes the water line he is referencing is southwest of the array field we would avoid impacts to the water line and it is owned by the current property owner.

Open Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

No Public Comment

Close Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

Jeff McNeill stated that he is surprised no one is commenting on a rezone. In the past we have been chastised very extremely. I'm surprised they are not here to let us know their opinion on the rezone, fully expected someone to comment that we are changing the face of Tooele County.

John Wright asked if anyone else was concerned with the location? Anyone concerned with the damage? Is this the best way to designate the area? Is it really appropriate? He feels there are other areas that are less visible. This is in an area that wildlife migrates through. They put up a fence and they can go around it, but is this the right place? If you go south towards Rush Valley there are flat areas out there that are just as open and less obtrusive. Its bothersome.

Brad Bartholomew stated it's as good place as any, the applicant has gone through great lengths working on it and working with Rocky Mountain Power, they probably would rather be closer to power lines, I'm sure they have found the best place. Jeff McNeill stated that he doesn't like the look of them but I'm not going to say you can't put them here but over there, I don't want that. I am concerned with the land, but they have evaluated it. I want clean renewable energy; it's a good project and I like the tax benefits. John stated that he is troubled by where it is located feels it could have been more south. When they look for sites, they look for open space. I'm not keen about the site.

Lynn Butterfield **motion of recommendation** to the County Commission to rezone the subject property from MU-40 to M-D in association with the Ophir Canyon Solar I Project. And that Tooele County Commissioners form a task force to create an economic model and economic development plan for the advancement of solar and other clean energies into the new master plan and economic development plan for the county.

Second by Jeff McNeill.

Roll Call Vote: Lynn Butterfield, aye. Jeff McNeill, aye. Paul Kunz, aye. Brad Bartholomew, aye. and John Wright, nay. It is not the appropriate location for the type of facility being proposed.

Vote is 4 to 1. **Motion has passed.**

6. **VAC 2020-03** Stuart Coles (on behalf of Georgia Russell) is requesting a recommendation of approval for a proposed vacation of a portion of Winter Elk Road, a prescriptive use county road, in association with the Ophir Canyon Solar I Project. **Parcel IDs:** Portions of 06-057-0-0002, 06-057-0-0001, and 06-050-0-0003. **Approximate Site Location:** Located southeast of Stockton and north of Highway 73. **Zone:** MU-40 (Multiple-Use, 40-Acre Minimum Lot Size). **Unincorporated:** Ophir Canyon/Lower Peak Area. **Planner:** Jeff Miller.

Open Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

No Public Comment

Close Public Hearing motioned by Lynn Butterfield, second by Jeff McNeill. All in favor.

Jeff McNeill asked what happens if the rezone is rejected by County Commissioners, but the vacation is accepted? Jeff Miller replied he doesn't anticipate that would ever happen, they wouldn't want to vacate a road if wasn't approved.

Lynn Butterfield asked Colin Winchester if they could make a motion that the road vacation is subject to approval of REZ 2020-98? Colin Winchester replied yes you could.

Jeff McNeill **motion to recommend approval** to the County Commission for the proposed vacation of a portion of Winter Elk Road, which is a prescriptive use county road in association with the Ophir Canyon Solar I Project, subject to the following condition of approval:

1. The applicant shall proceed with the proposed agreement with the Tooele County Commission to ensure that a replacement prescriptive use county road is installed along the northern boundary of the project area shall the existing prescriptive use county road be removed or restricted at some future point by the BLM.
2. Only if rezone is approved and there is an agreement in place, if they vacate road and later on BLM denies access they will replace an appropriate road at their expense.

Second by Lynn Butterfield.

John Wright asked if the motion stated this can only be approved if they approve the rezone? Jeff McNeill replied yes if the rezone is not approved this will be void.

Roll Call Vote: Jeff McNeill, aye. Paul Kunz, aye. Brad Bartholomew, aye. Lynn Butterfield, aye. and John Wright, aye. All in favor.

Motion has passed.

7. **Adjournment motioned** by Lynn Butterfield, second by Jeff McNeill. All in favor. Time of adjournment 8:14pm.

THE FOREGOING MINUTES ARE HEREBY APPROVED BY:

DRAFT