

**Beaver County
Planning & Zoning Commission
June 16, 2020
6:30p.m.**

Minutes

Attendance: Drew Coombs- Chairman, Kolby Blackner, Don Noyes, Karianne Jarvis, Bryan Graham, Brandon Yardley, Brady Bradshaw, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator.

Visitors: Bryan Harris, Bruce Osojnak, Luke Tobey and Wade Hollingshead

Called to Order at 6:30 p.m.

MINUTES:

A prayer was offered by Karianne Jarvis and the Pledge of Allegiance was led by Bryan Graham. Minutes from the May 19, 2020 meeting were reviewed. With a minor correction, Brandon Yardley made a motion to approve the minutes. Don Noyes seconded the motion. Brady Bradshaw, Karianne Jarvis, Kolby Blackner and Bryan Graham voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Longroad Energy representative, Bryan Harris, came before the board to follow up after the Environment Assessment Report that the board required on March 19, 2019, prior to further review of the pending application. In addition to tonight's public hearing, an on-line interactive presentation and findings of the EAR were previously posted on the Beaver County Website. He presented the board with an amended Conditional Use Permit for Milford Solar Phase II, LLC to construct a utility-size 250 megawatt solar power generating facility, electric substation, transmission line, battery energy storage system and an operations & maintenance building in multiple sections of T26-27S, R10W in an MU District. The 2,200-acre project will be located on private lands, approximately 10 miles north of Milford, UT bordering the existing solar projects. It will cross BLM lands, Highway 257, and the Rail Road Tracks, where a Right of Way has already been obtained. This project is unique as it will have a 100 megawatt lithium ion battery system allowing them to utilize the energy after the sun goes down. The batteries will be housed in metal containers, near the panels, but they do not have all of the specs for those at this time. Battery life expectancy is approximately fifteen years and will be recycled out of county, as would other components of the project. It also has the potential to work in tandem with the nearby wind turbines, helping to regulate the supply/demand for electricity. It will connect to the Milford Wind transmission line that connects to IPP near Delta, UT and would be the single largest project in the county. The estimated total project cost is \$280,000,000.00 and a lifespan of 25-30 years. He anticipates it will employ 200-300 employees over the one-year construction phase, starting in the second quarter of 2022 and will generate 3-4 full time maintenance/technician positions. Approx. 200 vehicles will be accessing the site daily, the majority of which will be employees, with others consisting of material deliveries which will occasionally include overweight and oversized loads. All access will be from Hwy 257, the Geothermal Road, Antelope Point Road, and a private road.

Board members inquired about road access, property taxes, battery life & size, battery storage, fire mitigation, erosion prevention, dust control, a decommission plan, reseeded, recyclable components, disposal, etc. After Mr. Harris' presentation, Don Noyes made a motion to open the meeting to a Public Hearing. Karianne Jarvis seconded the motion. Brandon Yardley, Brady Bradshaw, Kolby Blackner and Bryan Graham voted for, thus the motion passed unanimously. Mr. Blackner inquired of Luke Tobey who was in the gallery, asking how many solar panels he replaces monthly. Mr. Tobey stated that he replaces and recycles 3-4 panels on average a month as a maintenance technician for an existing solar project. Bryan Graham made a motion to close the Public Hearing. Don Noyes seconded the motion. Kolby Blackner, Brady Bradshaw, Karianne Jarvis and Brandon Yardley voted for, thus the motion passed unanimously.

Board members then reviewed imposed conditions on a project of the same size/location, that is currently under construction. Brandon Yardley asked about the closure plan and if it had a specific timeline. A similar decommission plan was then reviewed for details. Drew Coombs asked if the board felt it was necessary to have a specific fire mitigation plan. Mr. Blackner and Building Inspector/Zoning Assistant, Jared Gillins, were confident that the International Building, Fire, and Energy Codes would prevent the need for additional fire mitigation. Brandon Yardley asked to review condition #8 and suggested we specify that they would maintain the perimeter fence throughout the life of the project. Bryan Harris was comfortable with this language. It was specified that dust control was maintained with water trucks on site and roadways as needed, reduced speed limits and mag chloride applied to access roads. Brady Bradshaw inquired if it was an option to add additional conditions to this permit, once it has been issued, should the need arise in the future. Mr. Blackner stated that the Beaver County Zoning Ordinances allow for on-going evaluation/review of existing permits. Several board members expressed a concern about recycling and storing of batteries and components and inquired if we need to impose a specific condition for this purpose. Mr. Gillins stated that there was a great deal of regulation that the company will have to meet on both the state and federal levels that will mitigate those concerns, although looking forward it may be something we need to address.

Kolby Blackner made a motion to recommend the County Commission approve the Amended CUP with the previously imposed conditions, including changes to condition #8. Bryan Graham seconded the motion. Brandon Yardley, Karianne Jarvis, Don Noyes and Brady Bradshaw voted for, thus the motion passed unanimously. The applicant and gallery members left the meeting. Mr. Blackner clarified that a public hearing was not normally required for a conditional use permit, but due to the nature of the project, Longroad Energy requested it in order to meet all of their stipulations. Chairman Coombs complimented the board for taking time to ask questions of the applicant and the specifics of the project, as he felt it was time well spent. Mr. Blackner suggested the board take a site tour of the current solar project, once it is completed, so they would have a firsthand view of the size and scope of such a project.

WORK MEETING:

Next, board members turned their attention to the Drinking Water Source Protection Plan. Mr. Blackner had provided several versions of the ordinance for the board to review and made some comparisons/contrasts between them. For the most part, all of the ordinances were similar in nature, but had a few specific differences. Chairman Coombs asked which water sources the state is requiring us to protect. Brady Bradshaw referenced House Bill 480 passed in March 2020. The bill specifically speaks of water sources that are designated and registered with the

State of Utah- Department of Environmental Quality as a public water source, serving a specific number of people/connections. Additionally, there are specific guidelines/requirements for a public water source that would not apply to a private or agricultural source. Chairman Coombs felt that this ordinance was simply duplicating the state guidelines, yet at the same time putting some of the liability back on the local level. Mr. Blackner agreed with his statement, but reminded the board that it was still required. Kolby Blackner felt that we should use the draft as a template, but tailor the ordinance to our specific interests. Brady Bradshaw felt that there was protection in layers and we should work together to protect ourselves and one another and suggested we get input from bordering jurisdictions as we compile our ordinance. Chairman Coombs said he would prefer to just state that we honor the existing state & city/town ordinances. Mr. Blackner provided the board an example of how the ordinance would be beneficial in protecting residents from a project that had the potential to contaminate our drinking water source; that because it was on the books, we could then deny it, or the proposed location of it, because it was not in compliance with our DWSP. He stated that ultimately it is their job as a board to protect the welfare, health & safety of the citizens in our county and drinking water being one of greatest importance. Several board members were concerned about existing limitations to agriculture and felt that this ordinance had the potential for more regulation, that there was a fine line between protection and overreach. Kolby Blackner stated that the state is already requiring higher standards of chemical content in public drinking water sources and he feels it will only get more stringent.

After this lengthy discussion, it was the board's decision to move forward with an ordinance for the Beaver County Drinking Water Source Protection Plan. Attorney, Von Christiansen offered to draft the ordinance. Brady Bradshaw suggested we use a portion of the Beaver City Water Protection Plan as it better defines water sources and pollution sources. Attorney Christiansen will obtain a copy of the Minersville Town' and Milford City' ordinances to ensure ours will be in harmony with theirs, thus providing the layering protection we desire. Brandon Yardley suggested we use a portion from Duchesne's ordinance, by specifically listing the number of users that would constitute a public drinking water source. Once the ordinance has been drafted, Von will send it to Mr. Blackner for his suggestions and input. Following any changes, Mr. Blackner will forward it to board members for their input/suggestions. This will allow board members time to review and edit the document prior to our Public Hearing in August, as we will not be holding a meeting in July.

The last item on the agenda, Agricultural Definitions, was tabled until the next meeting.

Brandon Yardley made a motion to adjourn. Don Noyes seconded the motion. Bryan Graham, Brady Bradshaw, Karianne Jarvis and Kolby Blackner vote for, thus the motion passed unanimously.

The meeting was concluded at 8:31 p.m.

Minutes approved on _____.

Drew Coombs- Chairman