



MINUTES

Kane County Planning Commission
& Land Use Authority Meeting
Library Auditorium, Kanab
September 14, 2016

CHAIRMAN: Tony Chelewski

MEMBERS PRESENT: Tony Chelewski, Wade Heaton, Hal Hamblin, Dale Clarkson,
Danny Brown, Byard Kershaw

MEMBERS ABSENT: Robert Houston

EX-OFFICIO MEMBER: Jim Matson

STAFF PRESENT: Shannon McBride, Land Use Administrator; Kaylea Crosby,
Administrative Asst.; Reid Mann, Deputy County Attorney;
Linda Little, County Assessor/Building Official

5:30 PM Work Meeting

6:00 PM Meeting called to order by Tony Chelewski
Pledge of Allegiance Tony Chelewski
Prayer Wade Heaton
Announcements Tony Chelewski

Announcements/Updates:

Tony Chelewski said that Mike Kemp hasn't seen anyone on the road lately and that everything was going well. Tony then addressed the audience and told them they only had three minutes per person to comment after Garrett Bean, representative for sPower, was finished with his presentation.

Motion was made by Byard Kershaw to approve the **August 10, 2016** minutes. Motion was seconded by Dale Clarkson. The Chair asked for any questions or comments. Motion passed unanimously.

Motion was made by Wade Heaton to go in and out of public hearing at the call of the chair. Motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed.

Chairman Chelewski called the commission into public hearing.

Administrative Public Hearing **(1) Amend & Extend Subdivision Plat: Raymond T. & Sharon K. Wells**
Vermillion Cliffs Estates, SE ¼ Sections 32, SW ¼ Sections 33, T41S, R5W, Lot 77; Submitted by Ray Wells

Shannon McBride said she recommends approval with the conditions being met as stated by the Kane County Engineer.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to approve the request for Amending & Extending a Subdivision Plat for Raymond T. & Sharon K. Wells, Vermillion Cliffs Estates, SE ¼ Sections 32, SW ¼, Section 33, T41S, R5W, lot 77. Motion was seconded by Danny Brown. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Legislative Public Hearing **(2.) Land Use Ordinance: 9-1-7 Manufactured Home Definition**
Add Pier Design; Submitted by Shannon McBride

Shannon said there is a required 6-inch reinforcement slab and she spoke to Ryan Maddux, Building Official, about the benefits to home owners. Shannon said she recommends approval to add the definition “Piers” as part of the support system for a manufactured home to Chapter 1, General Provisions. This needs to go to the Kane County Commissioners.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Wade Heaton to recommend approval to the County Commission the revision of Land Use Ordinance 9-1-7 Manufactured Home Definition, adding “Pier” design. Motion was seconded by Byard Kershaw. Motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative Public Hearing **(3.) Lot Joinder: Karl & Cherole Pils**
Zion View Mountain Estates, Unit A, Lots 197 & 199, new lot 199;
Submitted by New Horizon

Shannon said everything looks good and due to no easements being vacated she recommends approval as does the Kane County Engineer.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw to recommend approval of the Lot Joinder for Karl & Cherole Pils, Zion View Mountain Estates, Unit A, Lots 197 & 199, new lot 199. The motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative **(4.) Lot Joinder with Vacating a Utility Easement: Dwane & Sharon R. Jones – Trustees of ‘The Jones Family’**
Public Hearing **Strawberry Valley Estates, Unit 4, Lots 29, 30, 31, & 52; New lot 31; Submitted by New Horizon**

Shannon said there is still a utility easement that needs to be vacated – a sign was posted on the lot and it was noticed correctly, and all the specifications were taken care of. She said she recommends approval as does the Kane County Engineer.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend approval to the County Commissioners of the Lot Joinder for Dwane & Sharon R. Jones – Trustees of ‘The Jones Family’, Strawberry Valley Estates, Unit 4, lots 29, 30, 31, & 52; new lot 31, with the vacating of a utility easement. The motion was seconded by Danny Brown. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative **(5.) Lot Joinder: James R. Pinner**
Public Hearing **Swains Creek Pines, Unit 3, Lots 392 & 393; New lot 392; Submitted by New Horizon**

Shannon said there are no easements being vacated and everything is up to standard; she recommends approval as does the Kane County Engineer.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend approval of the Lot Joinder for James R. Pinner, Swains Creek Pines, Unit 3, lots 392 & 393; new lot 392. The motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed.

Chairman Chelewski called the commission into public hearing.

Administrative **(6.) Lot Joinder: Roland Alden Taatjes & Dale T. Fifield**
Public Hearing **Ponderosa Villa, Plat A, Lots 15 & 16; New lot 15; Submitted by New Horizon**

Shannon said due to no easements being vacated, it does not need to be recommended to the Kane County Commissioners. She recommends approval as does the Kane County Engineer.

Public Hearing Swains Creek Pines, Unit 1 Amended, Lots 129 & 130; Submitted by New Horizon

Shannon said due to no easements being vacated, she recommends approval, as does the Kane County Engineer, Tom Avant.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Hal Hamblin to recommend approval of the Lot Line Adjustment for Pal Viczko, Swains Creek Pines, Unit 1 Amended, lots 129 & 130. The motion was seconded by Wade Heaton. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative (10.) Final Plat: Mark Jacobs
Public Hearing Elk Ridge Estates, Unit 4, Phase 4, Lots 53, 54, & 73-79; Submitted by New Horizon

Shannon said this needs to go to the County Commissioners but will not be put on the agenda until she goes over a few more items with Tom Avant (such as the UDOT agreement). Shannon and Tom Avant recommend (conditional) approval.

Wade recused himself from the project because he has been involved in past phases of the Elk Ridge Estates subdivision.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Byard Kershaw to recommend approval to the County Commissioners the Final Plat for Mark Jacobs, Elk Ridge Estates, Unit 4, Proposed Phase 4, lots 53, 54, & 73-79 when the last items have been completed. The motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative (11.) Final Plat: Kendrick Rogers
Public Hearing Palomar Estates Subdivision, Phase 2, Lots 1, 2, 3, & 4; Submitted by Iron Rock Engineering

Shannon said that she and Warren Monroe (Alternative, County Engineer, with Jones and DeMille Engineering) are recommending approval.

Chairman Chelewski called the commission out of public hearing.

Motion was made by Dale Clarkson to recommend approval to the County Commissioners the Final Plat for Kendrick Rogers, Palomar Estates Subdivision, Phase 2, lots 1, 2, 3, & 4. The motion was seconded by Byard Kershaw. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative Public Hearing **(12.) Final Plat: Kevin McLaws – “Peaches”**
“Peaches”, parcels # 1-9-13-4, 1-9-13-5A, 1-9-13-4A, & 1-9-13-3A, for a total of 64.92 Acres; Submitted by Kevin McLaws & Iron Rock Engineering

Shannon said they have not received the garbage contract (solid waste agreement) and the letter of credit. She recommends approval with the conditions that the letter of credit and solid waste agreement are submitted.

Chairman Chelewski called the commission out of public hearing.

Wade said they have been working back and forth and have come to an agreement and just need a signature on the contract and agreement.

Motion was made by Danny Brown to recommend approval to the County Commissioners the Final Plat for Kevin McLaws, “Peaches”, parcels # 1-9-13-4, 1-9-13-5A, 1-9-13-4A, & 1-9-13-3A, for a total of 64.92 Acres, with the conditions that the letter of credit and solid waste agreement letter are submitted. The motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Chairman Chelewski called the commission into public hearing.

Administrative Public Hearing **(13.) Conditional Use Permit: Glen Canyon West A, West B, & West C**
Solar Power Plant on SITLA Land, Sections 3 & 10, T43S, R1E, 912 Acres; Submitted by Glen Canyon Solar C, LLC; Solar Power Plant on SITLA Land, Sections 4 & 5, T43S, R1E, 810 Acres; Submitted by Glen Canyon Solar D, LLC; Solar Power Plant on SITLA Land, Sections 5, 6, & 8, T43S, R1E, 900 Acres; Submitted by Glen Canyon Solar E, LLC

Garett Bean, sPower representative, presented a slideshow where he said sPower understands and looks at the impacts of wildlife and the environment. He said their reasoning for picking the project locations were because they were the best place to get water and electricity as well as accessibility to the road. [One] goal is to reserve some land for the ranchers. He said they are complying with the Kane County Land Ordinance on the setbacks to make sure noise, glare, dust, and other impacts are reduced.

Garett described the panels and the structures (panels rotate with the sun). He said they plan to minimize impacts with the terrain and grid and minimize dust impacts during construction. He said

they are working with the Utah Department of Natural Resources (DNR) and are mitigating impacts so they are not endangering wildlife. DNR also gave them conditions to meet.

Tony asked about the size of the site that was shown on the presentation (which is located at another project site sPower built).

Garett said it was about 80 acres. He said the projects were built into smaller divisions which helped control dust and water usage. He said the sites experience 80 mph winds and they have it under control. sPower is coordinating with UDOT and they will have flaggers for safety. There will be 150 employee trips a day and up to 40-60 truck trips a day. Garett said safety has to be mitigated by Kane County and other agencies. He said in Salt Lake City they monitor what is happening on-site as well as staff monitoring on-site. There will be 200 construction jobs for one year. They will maintain the workforce and move them from one project to another. There will be trainings for employees and they will utilize 85% local hires. sPower Plant will power approx. 130,000 homes.

Reid Mann, Deputy County Attorney, asked about the timeline for construction.

Garett said it would take about a year to construct one project.

Reid asked if one project is constructed after the other - then how long will the entire project take?

Garett said it is still in the early stages of planning so he does not know the exact time frame. However, their goal is to start out construction at Site B. (It could be a) 3 to 5-year process for all the sites to be constructed.

Garett addressed the Valley Fever issue that was brought up. He said that during the time he has worked for sPower, they have controlled the dust and never had one case of Valley Fever. He said they are also monitoring the lake-affect; they have conducted surveys on the projects that concerned or affected birds/wildlife and the landscape.

Charlie Saba, Kanab resident, asked about ranchers and/or grazing interference.

Rob Adams, sPower representative, said cattle will not be able to graze there; that is why they relocated the projects closer to the highway.

Kristine Snow, Church Wells resident, asked what's not to like. She felt it was clean energy and taxes raised money for the county and the schools. She said it is not hazardous and it would be beautiful land use. She loved and praised the solar power plant and said it was a good idea.

Jennifer Spitz, Clark Bench resident, said she does not want to see anything negative happen with tourism – the view is what draws tourism to Kanab. She said she does not want to see a huge dust ball and does not want injury due to dust or other impacts. She said there are cases concerning

Valley Fever and the CDC is looking into it. She wants everything to be safe (with dust and water wells).

Garett said that it is sPower's responsibility to keep the workers safe and give them good accessibility. He said they want input from the community so they can make adjustments and make sure everything they do has minimal impacts.

Mike Woodcliffs, Clark Bench resident, asked about emergency response teams. He also asked what their fire prevention and fire response plans were.

Rob Adams said the transformer fires are caused by heat - they have an alarm that [is transmitted to the monitors] in Salt Lake City and they dispatch employees to shut down the substation on fire (should there be one). He said they can also stick water tanks on the sites which can address fire as well.

Shannon said she gave sPower 51 conditions they have to mitigate. She said the Fire Warden has to approve fire suppression methods as well as emergency shutdown procedures before they can receive building permits. Tracy Glover, Alan Alldredge, and the Fire Warden have to sign off and mitigate all procedures/protocols. Shannon said the Planning and Zoning Commission can add more conditions if needed.

Pete Howard asked where sPower was going to get all the water for their project sites.

Garett said they needed to evaluate the water resources in the area to determine the water usage and amount.

Cindy Staszak, Bureau of Land Management & Grand Staircase-Escalante National Monument Manager, asked what sPower and SITLA were going to do about the mitigation items such as the antelope herd – regarding transplanting critical habitat and looking at their migration patterns. She wanted them to look at the lake-effect as it is located in flight path – Lake Powell makes it very important. Cindy addressed the soil and the cultural issues the project impacts. She said the ranchers will have a loss of opportunity and access to water. She said the fenced wells and drilling will have an impact on the cattle, watering, and water rights. She said the visual screening from the highway would also be a problem. She added the lighting from the power plant would light up the black night sky and affect scenery.

Garett said they were working with Utah Dept. of Wildlife Resources and they still needed to coordinate some issues. He said they had several requirements and conditions regarding both cultural and environmental impacts, which the county provided. He said they have conditions to meet with SITLA as well. He said they are not allowed to increase or reroute water – they have to work with the building department on drainage. He said all the lighting is downward facing – if work is occurring on the power plant then there will be lights on. (Kane County has a lighting Ordinance which requires downward facing lights.) He said they clean the panels once a year and

they do not require much maintenance. Garrett said they would need approximately 200-250 acre feet of water during the construction phase (per project).

Paul Grudge said he wanted to know exactly how much (total) acre feet of water usage would be required. He expressed that he had emails on how much water usage was going to be used and it was outrageous amounts. He was wondering why they didn't just go further south where there was more desert and no communities.

Garrett repeated they would use approximately 200-250 acre feet of water during the construction phase per project. He said they located the projects for this specific area because of the electrical lines, accessibility to the road, and other resources needed for the sites.

Susan Dodson, Clark Bench resident, asked about the people who live in the area. She said the residents of the area give value to the scenic views. She said she is concerned they will be surrounded with this project and they pay the taxes to live there. sPower would be disturbing the land (dust). She said as a homeowner she has invested in living here. She said she does not want the power plant put in her area. She asked the Commission to deny the permit.

John Christensen said some of the residents had dreams. He said he wanted to buy a condo for the elderly and he needs to get full value for his property to make that move. He said he would be lucky to find anyone who wanted to buy his house when this solar plant is in place. He said he does not understand why sPower has to build so close to Clark Bench when there is so much land in the area. John said that tax breaks and subsidies are required to fund these types of projects and the money is going to come from Kane County resident's pockets.

Garrett replied their goal was not to create problems. He said they had to evaluate all the plan details. He said they sited their projects in that area because it kept the cost of the facility down. Garrett said they sell power to utilities and then the utility companies sell it to the residents and buyers.

Janette Nielson, Church Wells resident, said she and her husband's evening activities were to sit on their porch and look out at the sunset. With the sPower project being built they will just see construction, trucks, etc. and it is going to block their view. She said the construction alone is going to be tremendous – the amount of dust is an extreme amount. She asked if sPower is going to be able to keep the amount of dust to what it is now.

Garrett said they have to put their dust plan together – they are working with Kane County. He said they have to create a plan and have it signed off by each agency. Garrett said during operation there will be significantly less amount of truck travel; it is the construction period that requires the most truck traffic.

Kevin Barnes, Church Wells resident, said thanks for addressing their concerns. He said that sPower was too close to the road. He asked what would happen to those who are working at Unit 3 of the Page Power Plant. Kevin said sPower would be teaching kids it is cool to make power from

the sun; it is a great educational experience for kids. He asked about the security EMT response and if they would have a security company that would prevent vandalism. He also asked if sPower and SITLA would be open to working with Kane County and residents to upgrade Church Wells & Clark Bench water systems.

Rob Adams said they will put security cameras on the sites during construction and security cameras, motion sensors with alarms. He said their operation center would monitor continually and they would dispatch employees to the site if any problems arose.

Garett said their personnel are trained – sPower and SITLA are in contact with Church Wells and surrounding residents.

Dennis Barnes, Church Wells resident, said all the problems the residents were bringing up were being mitigated and handled by sPower, SITLA, and Kane County. He would like the solar plant, and he would benefit from it being built.

Robert Rubidoux, Paria resident, said he sees everyone's point of view but sPower is bringing jobs for six years; he said he was concerned about the employment for (only) 2 people after the six-year construction period. He said no one was going to want to live next to the power plant and be surrounded by the panels. The power plant was going to ruin the area. Robert said it would become a 'Ghost Town' from Big Water to Clark Bench. He said there would be no more water left after they drained the water wells.

Rob Adams said he appreciated the concern. He said (in terms of) the economic development in small rural communities there will not be enough employees to support the development. Kane County does not have the infrastructure to employ many people. Rob said the power plant will employ around 10 people – two at each site. He said companies that employ a few people are better than a company with hundreds of employees. He said sPower provides good jobs and benefits.

Sarah Barnes said new things scare people. She said she understands there are conditions; she wanted to lighten the mood. She said we all need to be respectful and listen to everyone's opinions even if they are different.

Dalton Williams, Church Wells resident, asked how much cheaper SITLA land was (in Kane County) as opposed to other places. He asked about the company's headquarters being in Salt Lake City, and how much money Kane County would make off the project. He wondered how the company could build without government subsidies. Dalton asked if the Littles' Family grazing operation made sPower relocate, if so, why can't they relocate away from the community. He said the wind will blow mulch off the land when being built by the road. He asked for a better estimate of water usage, such as how they will transport the water and what the impacts will be on their water system.

Garett replied sPower chose that specific area because of the power lines and the proximity to infrastructure; they are not looking at other land. He also emphasized that sPower has never constructed their projects using government grants. Garett said they have a 15 to 20-year contract with the utilities for a guaranteed money stream. As for the mulch, the hydro mulch has a tackifier; it is locked to the ground and it is proven – it grows on its own or they replant.

Robert Jones, Powell Springs resident, said he remembers around 450 gallons an hour of water being used for sage brush and irrigated fields. He said the water and dust control will not be an issue. He is excited about the solar project and thinks it is a perfect place for a solar power plant because the area's weather is hot.

Sholere Jones asked if UDOT and sPower are going to improve the roads – widen roads and turn lanes.

Garett said they have had discussions with UDOT regarding temporary roads if it is in relation to their projects. He said they are not looking to accelerate or decelerate the roads; however, there may be temporary acceleration or deceleration lanes. He said they are still in the early stages and it will depend on the contracts they have. They have to look at each phase.

Kim Wolfley asked if they would build and purchase a home adjacent to a power plant. (They said yes.) He said that SITLA was the “bully” and they get what they want – his concerns were the legacy in the area. He asked if there was going to be a stream of income coming in or was it just going to stream out.

Garett said they understood the impacts their projects have. He said in the beginning it impacts the county with income and businesses.

Lou Brown, SITLA representative, said there was an installment fee – an amount of money SITLA would spend that would go into Kane County. He said there was also a benefit to SITLA land – the potential for development and money for the school trust funds; which goes back into the school system.

JoAnne Higley said she lives where Site B would be located and has had her property for 11 years and wants to retire there. She said she loves solar power but does not want to live in a sea of solar power panels.

Brett Nybo asked about how long sPower had been in business. He asked about the building lots and permits. He also submitted a letter for the public record; which are attached to the minutes.

Garett answered that sPower has been in business a couple of years.

Jenni Johnson, Big Water resident, said the money goes to SITLA, but the school system only receives around \$6,000 to \$7,000. She asked if the power plants are built do the school systems get more money. She said Big Water has crazy tourists and they are concerned about safety. She said

they cannot handle the traffic at Big Water as it is now – they bear the burden of it with only one law enforcement officer and a volunteer fire department. She said it will just cause turmoil in Big Water.

Garett reminded them of the traffic and safety conditions they are required to meet and that they are working with UDOT. He said they have flaggers for traffic and other mitigating requirements.

Lou Brown said Kane County schools will benefit through the school trust fund.

Shannon addressed Connie Kirk's research on Valley Fever. She distributed the information to the Planning & Zoning Commission members via email prior to the meeting. It was such a large packet the commission members did not have time to read it thoroughly prior to the meeting or during the public discussion. However, each member received the information, which was attached to the minutes as public record.

Connie Kirk, Church Wells resident, said she wrote another paper on Valley Fever that came out in the newspaper (Page, AZ). She read and quoted her research to put on public record. She commented on the jobs sPower was bringing to the area. She talked about Valley Fever and the CDC. She talked about how it grows and spreads and that Saint George, Utah was having an outbreak on Valley Fever from construction.

Garret said the important thing was to make sure the spread of (Valley Fever) didn't happen here. He repeated they had not had one case of Valley Fever in any of their projects.

Scott Croft, Church Wells resident, asked about the endangered California Condors that nest in the area where the power plant will be built. He asked if sPower had the project approved through the critical habitat (issue).

Garett said they would work with the Utah Fish and Wildlife Department and be in constant collaboration with them.

Hyrum Short, Big Water resident, said he was concerned with the view – it's an eye sore. He said people come to see the views. He asked the commission about the people. He addressed the water issue – he gave calculations on the amount of water being used, and he wanted the commission to decide if it was wise to give up that much. He also asked where the taxes would be going.

Garett said the point of sale was going to be the site itself not Salt Lake City. He said they need to evaluate the water usage with Kane County.

Patty Jensen, Big Water resident, asked where the power was going to be sold; was it in California, Salt Lake City, or Kane County? She asked if they were going to improve the power lines so Big Water didn't lose service and have outages.

Garett said they only tap into the large transmission lines via Pacific Corp. [The power they generate would be] put it into the grid and go into the system or wherever it was sold. They sell to companies and they buy as well as offer it to competing companies at sPower costs. They have also met with Don McClendon of Garkane Energy. Garett said the companies have distribution contracts; the cost of building a facility has gone down. He said it is becoming economically feasible.

Sandy Colburn, Big Water resident, asked why sPower and SITLA chose to ruin communities. She said she remembers when state lands were traded. She said the communities are upwind and will get hit with dust. She said they will need more water than planned in order to keep plants growing in the desert.

Danny Little said if you like beef this ruins his whole operation. He said he wanted to talk to them (SITLA) and (sPower) individually about all of their plans.

Jim Lofthus, Clark Bench resident, said it would devastate their property values. He said it would cause a financial loss for the people in the area. He said they were taking money out of the resident's pockets by forcing them to stay and not be able to sell their properties.

Frances Thomas, Paria resident, said the EMT or volunteers do not benefit. She said they do not have the infrastructure for this project. She said they need infrastructure, fire department, EMT, etc. and they will need some good neighbors. She asked about concrete and construction.

Connie Kirkland gave Tony Chelewski a petition with signatures against the solar power plant projects. (The petition is filed with the minutes of this meeting.)

Chairman Chelewski called the commission out of public hearing.

Danny Brown gave his thanks to Shannon, SITLA, and sPower.

Byard Kershaw commented the Valley Fever issue is concerning to him as is the dust. He said there has to be sacrifices regardless of the view. He acknowledged that it helped the school systems – SITLA would benefit the state and county as well.

Dale Clarkson said they have felt the sincerity of the people and understand their concerns. He said solar power is a thing of the future – they are trying to make it happen.

Reid Mann said the Planning Commission has to abide by the laws and rules (of the state of Utah) and Kane County. He said he looks at how the ordinances apply and sees to it that both the Commission and Land Use Authority abide by them. He acknowledged Shannon's hard work with determining the 51 conditions and emphasized that sPower had to meet all of them.

Wade Heaton said it is the county's ordinance and thanked the audience. He said if they vote and approved the project the commission would only be giving them permission. He said they don't

control UDOT or water use – they only control land use. He said there are many things that still need to be mitigated. He said SITLA voluntarily agreed to have the community be involved. He believes this is about property rights and protecting private property rights. He said many people have invested interest and rights in private land and he needs to protect those rights. Wade sees SITLA as a private property owner and they have the right to do what they want with their privately owned land.

Hal Hamblin said that sPower is going to effect water usage. He said there are still many hoops to jump through.

Tony Chelewski said they authorized four of the sites already at last month’s meeting. He said that sPower has to meet all of those requirements (conditions).

Shannon clarified Kane County was not required by law (Utah State Code and Kane County Land Use Ordinance) to hold a public hearing for conditional use permits. In addition, SITLA did not fall under Kane County’s jurisdiction and did not have to go through the County to obtain permission for the solar power projects. However, they asked Kane County to be a part of the process. That gave Kane County the opportunity to add an additional 51 conditions to the conditional use permit. These conditions must be mitigated before any building permits will be obtained. Kane County did this out of respect for the surrounding communities.

Shannon also explained that because sPower was not in compliance with Chapter 24, “required setbacks”, at the August 2016 meeting (when sPower first applied for their conditional use permits) she postponed three of the projects to the September, 2016 meeting. sPower mitigated the setback requirements by the September meeting and now has to contend with the remaining 51 conditions (before they can acquire a building permit). Therefore, Shannon is recommending approval of the conditional use permits at this time.

Chairman Chelewski called for a 10 minute break at 8:45 pm.

Chairman Chelewski called the meeting back in order at 9:05 pm.

Wade Heaton said they have spent a lot of time on many concerns talking about uses of land and whether to give permission for uses on that land. He thinks the property owners need to be protected – they have rights as neighbors. He said there needs to be strict conditions.

Danny Brown said he doesn’t think anything else needed to be added to the 51 conditions.

Hal Hamblin asked Shannon if they could move the sites back from the community using 2,400 feet setbacks instead of the 1,200. Shannon said the ranchers were the ones that told SITLA to be closer to the road.

Lou Brown said the Little’s had some infrastructure with a water system.

Hal said they needed to think about the other people out there too, not just two ranchers

Shannon stated they were in compliance now with the 1,200 feet as required by ordinance.

Garett Bean showed Site B with maps on the panel board.

Wade asked what percentage (money) would be taken away if they added another 1,200 feet setback.

Lou said it would be \$5,000 out of SITLA's pockets for any acreage eliminated. It was explained that they did not want to eliminate acreage, but change the location further from the subdivisions.

Hal asked if a water well was going to be drilled. (The Little's would be impacted if they had to move.)

Lou said they had agreements with agencies for resources.

Tony Chelewski asked what the difficulty would be to swap sites and locations, as in using the Monument.

Lou said they are dealing with the federal government; to do an administrative exchange would not be feasible and it would take an act of Congress to do so.

Garett said they have to hook into things within the grid; process and money had already been put into the project(s).

Hal asked what they would be using for fencing/water rights.

Garett said chain linked/barbed wire fencing; and they are still figuring out water usage.

Shannon said they have to get water rights, etc in order to get building permits.

Wade said the one condition that concerns him is the 1,200 feet setback. He said he wanted to protect the rights of the people that were there first; he wanted to protect their interest. He said he would like to see the boundary get pushed to 2,400 feet.

Hal asked about the water when a thunderstorm hits and how to keep their water on their property.

Garett explained the impact of the water on the land; they would have to do a hydrology report. Garett showed a map of another project that had kept the water courses the same.

Hal asked what the structure of the panel was. Rob Adams and Garett showed and explained the panels – how it rotates with the sun and the position of the panel at night.

Lou and Garrett said they were responsible for damage and water lines if damage happened.

Garrett said the committee has his commitment to work with them as much as he is allowed.

Motion was made by Danny Brown to recommend approval of the Conditional Use Permits: Glen Canyon West A, Solar Power Plant on SITLA Land, Sections 3 & 10, T43S, R1E, 912 Acres; Glen Canyon West B, Solar Power Plant on SITLA Land, Sections 4 & 5, T43S, R1E, 810 Acres; Glen Canyon West C, Solar Power Plant on SITLA Land, Sections 5, 6, & 8, T43S, R1E, 900 Acres, in Kane County, Utah. The motion was seconded by Byard Kershaw. The Chair called for the question and the motion passed unanimously.

Motion was made by Hal Hamblin to postponed agenda items: (16) LUO 9-1-7 & 9-6A-6, (17) LUO 9-21K (1-3), (18) LUO 9-5-1-5, and (19) LOU 9-1-9 & 9-6A-6 to October's Planning and Zoning meeting. The motion was seconded by Dale Clarkson. The Chair called for the question and the motion passed unanimously.

Motion was made by Dale Clarkson to adjourn the meeting. Motion was seconded by Hal Hamblin. The Chair called for the question and the motion passed unanimously.

Meeting was adjourned at: 9:50 pm

Land Use Authority Chairman,
Tony Chelewski

Administrative Assistant,
Kaylea Crosby