

**Minutes for the**  
**Daggett County Planning & Zoning Meeting**  
**January 17, 2018 6:00 PM**

**Members Present:** Woody Bair (chair), Chad Reed (vice-chair), Hank Gutz, John Weaver, Allan Wood, Carrie Poulsen (secretary)

**Members Absent: None**

**Guest:** Niel Lund (county attorney), Jack Lytle (county Commissioner), Dick Cutler (Raam Power), Kolby Hullinger (Neff Ranch).

**1. Welcome and call meeting to order:** Mr. Bair welcomed everybody and called the meeting to order at 6:00 PM.

**2. Discussion and Consideration: Minutes from November 15, 2017.** After review Mr. Wood motioned to approve the minutes from November 15, 2017. Mr. Reed seconded. All in favor, motion passed.

**3. Discussion and Consideration: 2018 Meeting Schedule.** After review Mr. Weaver motioned to accept the 2018 meeting schedule. Mr. Weaver's motion died for lack of a second. After discussion Mr. Wood motioned to approve the 2018 Meeting Schedule with the change in November from the 21<sup>st</sup> to the 14<sup>th</sup> due to Thanksgiving. Mr. Weaver seconded. All in favor, motion passed.

**4. Discussion and Consideration: RAAM Power building permit for temporary met tower for wind study at Neff Ranch.** Mr. Coulter presented a packet for the met tower at Neff Ranch. Mr. Wood asked about the contractor's license. Mr. Cutler said that is one of the issues. There was discussion regarding the towers installed in 2012, one on the Henry's property and one above the ridge on Keri Pallensen's property. Mr. Cutler explained what a met tower is. It basically gathers data that determines where a wind turbine could be placed. The met towers can be moved as needed and they plan to place at least 3 or more met towers on the Neff Ranch. Mr. Cutler said they don't know if the met towers will be in place for 2 months or 2 years. It said it is defined as a temporary weather measuring device. Mr. Cutler said he spoke with Matt Tate, building inspector, and he said Matt said they need to have a contractor who is licensed in the state of Utah to install this structure. Mr. Cutler said his contractor, KB Energy from Arlington Wyoming, has installed several of these in Utah, not in Daggett County, and there has never been any question. The reason they want to use KB Energy is because they were recommended to them and work with the best wind engineer, Rich Simon. Mr. Cutler said the CEO of RAAM Power is Christy White. She has been in the wind business for 15 years and she knows the right people. Mr. Simon wants to deal with KB Energy as he has worked with them before. Mr. Cutler said he heard from Mr. Tate and was told that maybe they could work with a Utah contractor. Mr. Tate later found out that can't happen as well as DOPL said no. Mr. Cutler asked what needs to be done to get the met tower installed. Mr. Bair asked Mr. Lund and the board what they felt was necessary to complete the

application. Mr. Lund said he is not clear on the building codes and would defer to Mr. Tate on that. Mr. Cutler said the gentleman at DOPL is Chris Rogers who is the final authority; he has several calls into him but has not heard back from him. Mr. Lytle asked if Mr. Tate had all the other details on the tower and he has what has been presented so far. Mr. Tate would like more details. Such as the gage of the guy wires, the kind of support for the guy wires, etc. Mr. Cutler asked what is all required as he feels there is a tremendous wind resource and Daggett County needs the economic base. Mr. Poulsen asked what the number would be as far as jobs and taxes brought to the county. Mr. Cutler said he assumes some of the tax base comes back to the county but he is not sure. As far as jobs and income everyone that has part of the project on their property will participate in the revenue of the project. He said it could be up to 30 to 40 million gross revenue a year. Mr. Weaver said the land owner will make out. Mr. Bair said he does not feel this is pertinent to the application. Mr. Lund said RAAM Power will need a business license in Daggett County which has been done. Mr. Bair asked if there was anything in the ordinances prohibiting this type of project, met towers are a permitted use. Mr. Tate was called at this time. Mr. Bair asked Mr. Tate what his concerns are on the application. Mr. Tate said making sure that there is a qualified individual installing the equipment, he needs more details like full set up requirements as this is 200 feet tall so how its anchored, how often it requires guy wires, size of wires, ground anchoring system, etc. Also any details on PVRA (didn't quite understand him), utilization equipment, transmitting equipment, anything on the ground. Mr. Bair asked what Mr. Tate's first concern was and there needs to be a complete building permit application and Mr. Tate said this falls under the IBC (International Building Code) and the IBC code requires a licensed contractor to perform any work like electrical, mechanical, plumbing, structural and through DOPL's requirements the contractor is required to be a Utah (licensed) contractor. In review Mr. Tate's concerns are 1. Permit, 2 licensing and 3. Proper plans. Mr. Tate also said obviously any zoning and planning requirements need to be followed. Mr. Bair asked Mr. Tate about KB Energy sub-contracting and Mr. Tate said he had told Mr. Cutler that may be a possibility but he would speak with the state investigator tomorrow on that, Mike. Mr. Bair said Mr. Cutler has contacted DOPL and was told that was not allowed. Mr. Bair asked if there was any other questions for Mr. Tate. Mr. Cutler would like to know what he needs to do and it is the 3 things Mr. Tate said and the 4<sup>th</sup> was any planning and zoning requirements. Mr. Tate said this tower needs to be designed for our area as far as snow and wind loads and set up according to instructions and it is his job to inspect and make sure it is set up how the engineer wants it. Mr. Cutler said he will contact the engineer to get more set up plans. No further questions for Mr. Tate, he hung up at this time. Mr. Bair asked for discussion. Mr. Weaver had some questions. Mr. Weaver asked what the outcome was at the met tower on the Henry Ranch, was there enough wind there to install a wind turbine. Mr. Cutler said this was a 20 meter met tower and the first spring it was up it had the highest wind average velocity of any of the 60 met towers that the State of Utah had placed for several months in a row. Mr. Weaver asked if this was done in 2012 why has there not been any turbines placed? Mr. Cutler said Christy White had an accident and everything came to a halt. Mr. Cutler said this just won't be the Neff Ranch; they are looking at several ranches. They looked at 2 different places yesterday. Mr. Weaver asked where is the power sold and how will it be transmitted. Mr. Cutler said how they are transmitting the power is proprietary and they have identified three transmission pathways. Mr. Weaver asked if they will install huge power lines and Mr. Cutler said no. Mr. Cutler said we are talking about 100 to 120 megawatts that will go on a one pole line. Mr. Wood asked if this needs

to go back to the power grid by the freeway. Mr. Cutler said it could go North or South in a couple of different directions. Who it will be sold to will be a negotiation. He said they have spoken with San Diego Gas and Electric, PG&E, and now there are requirements for Rocky Mountain companies to go green and they are interested. Mr. Cutler said with the wind mainly blowing in the afternoon here that is peak power demand in most of the western US and the power can be sold for more then. Mr. Weaver asked how tall the wind turbines will be. Mr. Cutler said the ones along I-80 are 2 megawatt towers and we are probably talking about that and that is why they want the met towers up now. The wind engineers will look at the data and determine what manufacture of turbines and will make the turbines that are best for this location, what size of turbines, what model as there are thousands of combinations. Mr. Weaver asked how many wind turbines does he estimate putting in. Mr. Cutler said if they do 100 megawatts and they install 2 megawatt towers there will be 50 wind turbines in Daggett County. If there do 2 ½ megawatt towers there will be 40 turbines. Mr. Reed asked if RAAM Power has installed turbines in other locations. They were involved with the wind farm in Milford Utah which is a 800 megawatt wind farm. Christy was involved in that but they do not own it as just before the power goes online the utility company comes in and buys it out right and that is probably what will happen here. Mr. Cutler explained the process as this. They do the wind analysis then they get a Power Purchase Agreement, it is a contract with a utility company to buy the power for a long period of time, 20-30 years. Once they get the PPA, it's called bankable, it's a guarantee of 37 million dollars a year coming in from a major utility company. They borrow on that. It is profitable at that time and the percentage of profit goes up every year as the debt goes down. Mr. Wood asked if they had any idea what it would take permit wise to run the power south over the mountain and Mr. Cutler said they did. It is not taken care of but they know what the possibilities are and have dealt with ICPE, they are an electrical contractor. Mr. Wood said he is more concerned with Ashley National Forest Service and if they will allow it. Mr. Cutler said they will not even consider putting a line where they would have to get a new right of way. Mr. Weaver asked why they are testing so close to town when there is so much acreage out of town and the towers won't be in the skyline in front of the Uintah Mountains and the lake. RAAM Power does not want to deal with BLM or the Federal government; they want to deal with individuals. Mr. Bair brought the conversation back to the met tower and the application for that. The ordinances allow for a met tower. Mr. Weaver asked if we allow the met tower is that saying we are allowing the turbines. The turbines are a conditional use in certain areas. Mr. Bair reiterated the 4 points that Mr. Tate pointed out that RAAM Power needs to provide. Mr. Bair asked Mr. Cutler if these 4 points were possible for RAAM Power to do and he said yes. Discussion on the past met towers that they installed. Mr. Cutler said he will speak with the contractor that is going to erect the tower and he will have him contact Mr. Tate directly with the engineering information. Mr. Cutler said he still feels the licensing requirements are inconsistent. Mr. Cutler will keep trying to get a hold of the director of DOPL, Chris Rogers to get an answer and will do what he requires. More discussion on Miss White's involvement in the wind farm in Beaver County 10 years ago, Mr. Cutler was not involved in that. Mr. Bair called for a motion. Mr. Gutz stated that the application for the met tower does not imply that the wind turbines will be approved later Mr. Bair said he does not know if we can determine that at this time. Mr. Gutz said they are in violation of ordinances of Daggett County. Our job is to make them comply or to deny building permits. Mr. Gutz asked how many buildings are on the Neff Ranch, Mr. Hullinger is not sure. Mr. Gutz asked if any were rented or deeded off the property. Mr. Gutz stated

that you are allowed a ranch house and a farm house. Mr. Gutz does not want the presumption we are allowing a wind farm, Mr. Cutler understands that. Mr. Bair said there may be other zoning issues to work out once a parcel is chosen. Mr. Wood asked if the met tower was meeting the setbacks. Mr. Bair asked if there was a specific spot on the site plan they were going to put the met tower. Mr. Hullinger said it could be anywhere on that ridge. The ordinances have a setback for the turbines but not necessarily for a met tower. The setback for buildings in A-20 is 60 feet. Mr. Lytle asked how tall the tower will be and Mr. Cutler said about 200 feet. Mr. Lytle said the setback should be at least the length of the tower for safety and the board agreed. Mr. Bair asked if Mr. Cutler will provide an updated site map once they decide where the tower will be placed. Mr. Reed motioned that RAAM Power needs to meet Mr. Tate's four requirements and proper licensing of the contractor, updated site map and then to proceed once those requirements are met and then be able to issue a building permit. Mr. Cutler asked for clarification of the setback, Mr. Bair said for public safety the setback needs to be at least the length of the tower. Mr. Cutler said they will have it setback at least 150% of the length. Mrs. Poulsen restated the motion made by Mr. Reed as to proceed with the building permit for RAAM Power if they meet Mr. Tate's requirements of the list, proper licensing of the contractor, meet proper setbacks. Mr. Wood seconded. No further discussion, all in favor, motion passed unanimous. More discussion on why RAAM Power doesn't want to install in Wyoming. Mr. Reed recommended in going forward that RAAM Power make sure any property they look at is zoned properly. Mrs. Poulsen asked in regard to Mr. Cutler saying they are going to install 3 met towers and we will need a permit for each tower. Mr. Cutler said it all depends on the wind engineer and what he wants. They will probably install one at a time but not sure. Mrs. Poulsen said we will need a site plan showing all towers and probably a permit for each tower as Mr. Tate will have inspection fees for each tower. No further discussion.

**5. Discussion and Consideration: Accessory buildings built before main buildings and accessory building definition. Review draft of ordinance.** Mr. Bair asked if everybody has reviewed the draft and they have. Mr. Lund has reviewed it and just has a few changes. Mr. Reed feels the draft defines what the board wants. Mr. Bair summed up what the board wants in this for Mr. Lund. The board feels they can allow accessory buildings to be built first as long as there is a valid building permit for a main dwelling as well. The board feels this will ensure there is enough room in the future for a main building and the septic fits the size as well. The next caveat to this is defining that an accessory building cannot be inhabited. Mrs. Poulsen came up with a definition of what that means. Discussion on what motivated this discussion on changing the ordinance. Discussion on a residence being in a garage and Mr. Weaver said as long as it is planned that way and built to code that could be allowed. Mr. Tate has said in the past that is allowed. Mr. Bair feels this will guarantee improvements on property and everything being built will be up front. This will also protect future buyers from purchasing lots that potential could be unbuildable. Mr. Lytle asked what if somebody wants to build an accessory building and install septic and water then just park a big trailer inside of it. The board is hoping this will discourage this in the future. The board feels this will be a segue into the travel trailer ordinance they want to update. Mrs. Poulsen said they can install water and septic but they can only have a sink and bathroom. Accessory buildings cannot have cooking or sleeping facilities. Mr. Lytle asked who does this ordinance protect and what percent of the properties and people are in this category that we are either trying to preclude or challenge to be in, and is there an acreage limit. Mr. Wood said the safety and who

is being protected is the neighbor that has made an investment in his property. Mr. Reed said the idea of this is to also help the tax base of the county. The board is trying to eliminate garages being built and people just parking a recreational vehicle in there to stay for a weekend. Mr. Lytle asked if there is anywhere in the county that that is allowed; for instance if someone owned 20 acres what does an accessory building hurt. This ordinance exempts agricultural buildings, they are still allowed. Discussion on camping in subdivisions and protecting the neighbors and generating tax base. Mr. Lytle just wants to ensure there is a balance of property rights and protecting the neighbors and that it is not overly cumbersome. He agrees that people need to be upfront on what they are building and what the use will be. Mr. Bair does not feel that this will infringe on anybody's property rights as they can come to us with any plan but that does not guarantee that you can build whatever you want. Mr. Lytle asked if this would only apply to subdivisions and feels this may be cumbersome if it applies to the whole county. He feels this should only apply to residential zones. Mr. Weaver feels that agricultural land maybe should be exempted from this ordinance. Mr. Weaver asked if the town of Manila ordinances say homes must be built first and it does. Mr. Bair feels this ordinance will encourage a main building and that is the main point and we want to maintain the build ability of lots. Mr. Bair stated that what he is hearing as maybe a hole in this draft is the zone application. Mr. Bair suggested maybe having two definitions for accessory buildings, one for agriculture and one for residential. The board feels they need a clean copy of the draft with changes before holding a public hearing. Mr. Reed feels that this should apply to R-R-10 and smaller residential zones. Discussion on agricultural buildings still being exempted in residential zones. What is the smallest lot you can have an agricultural building, which will have to be researched. A building permit for an agricultural building still has to have a site plan so that could be the way to make sure the lot stays buildable and a home can still meet setbacks. After discussion the board would like the following changes, add the part about being in residential zones, definition of accessory buildings, change the name of the ordinance to residential zone accessory building ordinance. Mr. Lytle asked is maintaining building space an issue in R-R-5 or larger lots. Mr. Bair said the whole intent of this is trying to keep people from inhabiting garages that aren't built to code for habitation and staying in trailers in accessory buildings. Build ability and tax is not the core issue but that is part of it. Discussion on residents inhabiting unpermitted structures and what happens when they sell the structure to someone else unknowing that there was not a proper permit. Mr. Gutz suggested this needs to go to a public hearing and Mr. Bair asked if the board wanted a clean draft with the recommended changes reviewed before or at the public hearing. Mr. Gutz said next month and review it at that time. Mr. Reed said since there has been a lengthy discussion do we need to make some sentence regarding putting the residential wording in the draft. Mr. Bair said we are creating an ordinance that disallows something; Mr. Lund said that the board is creating regulations. Mr. Lund said we should define in the table of uses where this ordinance for accessory buildings and how this will apply and how it will change and affect that. The board feels there should be one more review before a public hearing. Mrs. Poulsen asked for clarification on what the board wants changed. The board wants it to be applicable in residential zones. Mr. Bair would like any R-R-10 zones identified. Mr. Gutz motioned to table until the next meeting and then the board will have the updates and requested corrections to the draft with anticipation of holding a public hearing in March. Mr. Bair stated he was identifying the action items the board wanted changed. Mr. Gutz said the items are in the recording. Mr. Weaver seconded, all in favor, motion passed.

**6. Discussion and Consideration: Procedures for Business License applications to verify use in zones.**

Mrs. Poulsen said this item was discussed in the Commission meeting today. Brian Raymond said on business license applications there is an area where the applicant checks zone use approved or not. Mr. Raymond would like a procedure where planning and zoning either signs off that it is a permitted, conditional, or not allowed use. Mr. Bair feels this could be done administratively and if Mrs. Poulsen is comfortable with that. If not any question she can still take the application to the board. Mr. Bair asked if existing applications would be reviewed. Mr. Reed suggested that once a zone is checked it needs to be recorded somehow so it doesn't delay an application for the same business in the future. Mr. Lund said that the board could go as far as saying that Mrs. Poulsen's verification isn't an indication that she went out to see what the business actual was, there could maybe be a signed affidavit from the applicant to verify what the business is. Mr. Bair motioned to approve the concept of having this performed administratively and the board is in favor of this process. Mr. Gutz seconded. All in favor, motion passed.

**7. Discussion and Consideration: Travel Trailer Ordinance's:** Mr. Reed motioned to table. Mr. Gutz seconded. All in favor, motion passed.

**8. Discussion: Public Lands Advisory Report:** Mr. Gutz said the Forest Service is holding a series of meetings regarding the Forest Service Plan Revision. They had one Saturday that dealt with timber and timber harvest. He said the number they came up with are staggering. Through the entire Ashley National Forest they have harvestable timber in the neighborhood of 135,000 acres which is 9% of the forest which is way low. The next meeting in February will deal with agricultural. Mr. Lytle said another thing coming up is there has been a contractor assigned for the trails and roads study. He said the Public Lands Committee will have to help with that. Discussion regarding the Public Lands Committee.

**9. Discussion: Building Permit Reports:** The board reviewed the reports. Mrs. Poulsen said Mr. Tate performed a safety inspection on the Niederer short term rental and it did not pass. They will have to pay for a second inspection as the fee application only covers one inspection.

**7.(second number 7) Correspondence:**

a. Uintah Basin Region 5 pre-disaster Mitigation Plan Update January 25, 2018 in Vernal. Mr. Lytle is attending. Mr. Bair asked the correlation with this and Planning and Zoning and it has to do with FEMA, Carrie will check. Discussion on soil surveys that used to be part of the rules.

b. BLM- Utah's Sage Grouse: Letter from Ed Robertson, Idaho BLM. Partners in Sage Grouse Management. This is an FYI for the planning and zoning board.

**9. (second 9) Old Business/Follow Up:**

a. GIS Zone Map: Mr. Bair has reviewed the map and would like a couple of changes. Mrs. Poulsen will follow up with the GIS department.

**10. Next agenda items and schedule next meeting.** Next meeting scheduled for February 21, 2018 at 6:00 PM. Mr. Lytle thanked the board for their professionalism and service to the county. There is a

current list of when board members terms are up and when they need to be reapproved. Mr. Lytle said the terms are 4 years and they are staggered. Mrs. Poulsen said we need to review the bylaws. Mr. Lund said on February 6 there will be a training for Open and Public Meetings Act. Mr. Lund said for anybody that cannot attend there is an online training. Any member of the board is suppose to have this training. Mr. Bair said for disclosure there was an email sent and the sender was conflicted on the minutes and what he was hearing concerning Taylor Flat. Mr. Bair asked if he had been responded to as Mr. Lund said it was not necessary. Mr. Lytle said for customer service we should respond and Mr. Bair's response is ok to send but we do not need to engage. Discussion that took place in Commission today regarding lots in Taylor Flat. Meeting adjourned at 8:21 PM.