

**IRON COUNTY SPECIAL COMMISSION MEETING
December 29, 2015**

Minutes of the Special Iron County Commission meeting convened at 10:00 a.m.
December 29, 2015 in Commission Chambers at the Iron County Courthouse, Parowan, Utah.

Officers in attendance included:

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|-----------------------|------------------------|
| Dale M. Brinkerhoff | Commission Chair |
| David J. Miller | Commissioner |
| Alma L. Adams | Absent, Excused |
| G. Michael Edwards | Deputy County Attorney |
| Jonathan T. Whittaker | County Clerk |

Also present:

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| Cindy W. Bulloch | County Assessor |
| Danny Stewart | Economic Development Director |

SYNOPSIS

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PLEDGE OF ALLEGIANCE

Those assembled were led in the pledge of allegiance by Cindy Bulloch.

INVOCATION

An invocation was offered by Danny Stewart.

ADJOURN AS THE IRON COUNTY COMMISSION

**CONVENE AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY
DEVELOPMENT AND RENEWAL AGENCY**

**CONSIDERATION OF ICCD&RA RESOLUTION 2015-15 APPROVING A
CORRECTION TO THE RED HILLS RENEWABLES PARK CDA**

Danny Stewart, Economic Development Director, explained the necessity of an amended Project Area Plan for the Red Hills Renewables Community Development Agency (CDA). Danny explained that the legal descriptions used for the original Project Area Plan in 2010 as well as the amendment in 2014 reflected the outdated legal descriptions. Those legal descriptions exclude some land within the project, as well as include some land that is not within the project. Since those plans were adopted and approved, modern surveys have been performed that reflect the correct boundary of the Red Hills Renewables solar project. Danny explained that all the parties involved had no intention of using incorrect legal descriptions, and that all parties agreed the new legal descriptions correctly described the project.

Cindy Bulloch, Iron County Assessor, explained that the 2013 base value for the CDA changed from approximately \$1.70 million to \$1.19 million, due to the change in acreage.

Jon Whittaker, Iron County Clerk, noted that per UCA §17c-4-108-2a, the Iron County Development and Renewal Agency (ICCD&RA) council for this project, Ballard Spahr, LLP felt that this correction could be made without the 30 day public notice normally required.

After this discussion, David Miller made a motion to approve ICCD&RA Resolution 2015-15, approving a correction to the Red Hills Renewables Park Project Area Plan to conform its legal description to the understanding of the various parties and related matters. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

ICCD&RA RESOLUTION NO. 2015-15

A RESOLUTION OF THE GOVERNING BODY OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY APPROVING A CORRECTION TO THE PROPERTY DESCRIPTION IN THE REVISED DRAFT COMMUNITY DEVELOPMENT PROJECT AREA PLAN, UTAH RED HILLS RENEWABLE PARK AND RELATED MATTERS.

WHEREAS, the Iron County Community Development and Renewal Agency (the “Agency”) is a community development and renewal agency (a public body, corporate and politic) duly created, established, and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the “Act”); and

WHEREAS, the governing body of the Agency (the “Board”) approved on March 24, 2014, a Revised Draft Community Development Project Area Plan, Utah Red Hills Renewable Park, dated March 24, 2014 (the “Plan”), for a Community Development Project Area (the “Project Area”) located entirely within Iron County; and

WHEREAS, the Board of County Commissioners of Iron County, Utah (the “County Commission”) designated the Plan as the official plan for the Project Area by Ordinance 2014-7, adopted on March 24, 2014, and a description of the land within the Project Area (the “Legal Description”) was recorded on Page 1500 in Book 1286 by the Iron County Recorder on March 26, 2014; and

WHEREAS, the Agency and Utah Red Hills Renewable Park, LLC, the developer of the Project Area (the “Developer”), have now determined that the Legal Description failed to include certain real property intended to be in the Project Area and included certain real property which is not necessary to be included in the Project Area, and the Agency and the Developer desire to correct the Legal Description of the Project Area to conform to the legal description to which all parties have previously agreed (such corrected legal description, the “Corrected Legal Description,” is attached hereto as Exhibit B); and

WHEREAS, as permitted by Section 17C-4-108 of the Act, (i) the changes made in the Corrected Legal Description to add property to the Project Area were requested by the County Assessor and County Auditor to avoid inconsistent property boundary lines and the governing body of the Agency has determined that such changes are minor adjustments as permitted by said section of the Act and (ii) in connection with the changes made in the Corrected Legal Description to remove property from the Project Area, the Governing Body has determined that inclusion of such property in the Project Area is no longer necessary or desirable and the record owner of the property being removed has consented to such removal; and

WHEREAS, it is the intention of the Agency that the Corrected Legal Description replace the legal description of the Project Area in all related documents and related conforming corrections be made as appropriate

WHEREAS, the Agency desires to approve a revision to the Plan incorporating the Corrected Legal Description (the “Revised Plan,” attached hereto as Exhibit C and hereby incorporated by reference); and

WHEREAS, an authorized representative of the Stowell Dennis/Marilee A Living Trust, the owner of record of the property affected by the correction to the Legal Description has given his/her written consent to the Corrected Legal Description shown on Exhibit B; and

WHEREAS, the Board now desires to approve the Revised Plan and submit the same to the County Commission for approval and adoption;

BE IT RESOLVED BY THE GOVERNING BODY OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY, AS FOLLOWS:

Section 1. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Resolution) by the Board and by the officers of the Agency directed toward the preparation of the Revised Plan are hereby ratified, approved, and confirmed.

Section 2. The Board hereby approves the Corrected Legal Description for the Project Area as shown on Exhibit B.

Section 3. (a) As permitted by Section 17C-4-108 of the Act, (i) the changes made in the Corrected Legal Description to add property to the Project Area were requested by the County Assessor and County Auditor to avoid inconsistent property boundary lines and such changes are minor adjustments as permitted by said section of the Act and (ii) in connection with the changes made in the Corrected Legal Description to remove property from the Project Area, inclusion of such property in the Project Area is no longer necessary or desirable and the record owner of the property being removed has consented to such removal; and

(b) The Board hereby finds and determines that the Revised Plan with the Corrected Legal Description will continue to: (i) satisfy a public purpose, (ii) provide a public benefit as shown by the analysis in the Revised Plan, (iii) be economically sound and feasible, (iv) conform to the general plan of Iron County, and (v) promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

Section 4. The Board hereby approves the Revised Plan, which is incorporated by reference, as the community development project area plan for the Project Area, and submits the Revised Plan for approval and adoption by the County Commission.

Section 5. The appropriate officers of the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. If any one or more sections, sentences, clauses, or parts of this Resolution shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Resolution, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Resolution so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Resolution in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Resolution in any other instances.

Section 7. All resolutions of the Agency in conflict with this Resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any Resolution, by-law or regulation, or part thereof, heretofore repealed.

PASSED BY THE GOVERNING BODY OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY THIS DECEMBER 29, 2015.

(SEAL)

By: *Dale Brinkerhoff*
Chair

ATTEST:

By: *Jonathan T. White*
Clerk



ADJOURN AS THE GOVERNING BOARD OF THE IRON COUNTY COMMUNITY DEVELOPMENT AND RENEWAL AGENCY

RECONVENE AS THE IRON COUNTY COMMISSION

CONSIDERATION OF ORDINANCE 2015-12, APPROVING A CORRECTION TO THE RED HILLS RENEWABLES PARK CDA

David Miller made a motion to approve Ordinance 2015-12, approving a correction to the Red Hills Renewables Park Area Project Plan to conform its legal description to the understanding of the various parties and related matters. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.

ORDINANCE NO. 2015-12

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS (THE "BOARD") OF IRON COUNTY, UTAH ADOPTING A CORRECTION TO THE UTAH RED HILLS RENEWABLE PARK PROJECT AREA PLAN, AND RELATED MATTERS.

WHEREAS, the Iron County Community Development and Renewal Agency (the "Agency") is a community development and renewal agency (a public body, corporate and politic) duly created, established, and authorized to transact business and exercise its powers, all under and pursuant to the Limited Purpose Local Government Entities—Community Development and Renewal Agencies Act, Title 17C, Utah Code Annotated 1953, as amended (the "Act"); and

WHEREAS, the governing body of the Agency (the "Agency Board") approved on March 24, 2014, a Revised Draft Community Development Project Area Plan, Utah Red Hills Renewable Park (the "Plan"), for a Community Development Project Area (the "Project Area") located entirely within Iron County; and

WHEREAS, the Board designated the Plan as the official plan for the Project Area by Ordinance 2014-7, adopted on March 24, 2014, and a description of the land within the Project Area (the "Legal Description") was recorded on Page 1500 in Book 1286 by the Iron County Recorder on March 26, 2014; and

WHEREAS, the Agency and Utah Red Hills Renewable Park, LLC, the developer of the Project Area (the "Developer"), have now determined that the Legal Description failed to include certain real property intended to be in the Project Area and included certain real property which is not necessary to be included in the Project Area, and the Agency and the Developer desire to

correct the Legal Description of the Project Area to conform to the legal description to which all parties have previously agreed (such corrected legal description, the “Corrected Legal Description,” is attached hereto as Exhibit B); and

WHEREAS, as permitted by Section 17C-4-108 of the Act, (i) the changes made in the Corrected Legal Description to add property to the Project Area were requested by the County Assessor and County Auditor to avoid inconsistent property boundary lines and the County Commission has determined that such changes are minor adjustments as permitted by said section of the Act and (ii) in connection with the changes made in the Corrected Legal Description to remove property from the Project Area, the County Commission has determined that inclusion of such property in the Project Area is no longer necessary or desirable and the record owner of the property being removed has consented to such removal; and

WHEREAS, by resolution adopted on today’s date the Agency has approved a revised Plan (the “Revised Plan”), attached hereto as Exhibit C and hereby incorporated by reference, which includes the Corrected Legal Description; and

WHEREAS, it is the intention of the Agency that the Corrected Legal Description replace the Legal Description of the Project Area in all related documents and related conforming corrections be made as appropriate and the Revised Plan replace the Plan in its entirety; and

WHEREAS, an authorized representative of the Stowell Dennis/Marilee A Living Trust, the owner of record of the property affected by the correction to the Legal Description has given his/her written consent to the Corrected Legal Description shown on Exhibit B; and

WHEREAS, the Revised Plan with the Corrected Legal Description will continue to promote community development and job creation within the Project Area and increase the property tax base within the Project Area through the construction of certain solar energy producing facilities; and

WHEREAS, the Board now desires to adopt the Revised Plan as approved by the Agency;

NOW, THEREFORE, THE BOARD ORDAINS AS FOLLOWS:

Section 8. All terms defined in the recitals hereto shall have the same meaning when used herein. All actions heretofore taken (not inconsistent with the provisions of this Ordinance) by the Board and County officers and by the governing board and Agency officers directed toward the preparation of the Revised Plan are hereby ratified, approved, and confirmed.

Section 9. The Board hereby finds and determines that:

(a) as permitted by Section 17C-4-108 of the Act, (i) the changes made in the Corrected Legal Description to add property to the Project Area were requested by the County Assessor and County Auditor to avoid inconsistent property boundary lines and such changes are minor adjustments as permitted by said section of the Act and (ii) in connection with the changes made in the Corrected Legal Description to remove property from the Project Area, inclusion of such property in the Project Area is no longer necessary or desirable and the record owner of the property being removed has consented to such removal; and

(b) the Revised Plan with the Corrected Legal Description will continue to: (i) satisfy a public purpose, (ii) provide a public benefit as shown by the analysis in the Revised Plan, (iii) be economically sound and feasible, (iv) conform to the general plan of the County, and (v) promote the public peace, health, safety, and welfare of the community in which the Project Area is located.

Section 10. The Board hereby approves the Corrected Legal Description for the Project Area as shown on Exhibit B.

Section 11. The Board hereby adopts the Revised Plan with the Corrected Legal Description and designates the Revised Plan as the official community development plan of the Project Area.

Section 12. Immediately after its adoption, this Ordinance shall be signed by the Chair and attested by the County Clerk and shall be recorded in the ordinance book kept for that purpose. A summary of this Ordinance, in substantially the form attached hereto as Exhibit D, shall be published (A) one time in the Spectrum/Daily News, a newspaper of general circulation within the Agency's and County's boundaries, (B) on the Utah Public Notice Website created under Section 63F-1-701, Utah Code Annotated 1953, as amended, and (C) on the Utah Legal Notices website (www.utahlegals.com) created under Section 45-1-101, Utah Code Annotated 1953, as amended, with such publication to take place as soon as possible after the adoption of this Ordinance; and shall cause a copy of this Ordinance (together with all exhibits hereto) and the Revised Plan with the Corrected Legal Description to be kept on file in the office of the County Clerk for public examination during the regular business hours of the County Clerk for a period of at least thirty (30) days from and after the last date of publication thereof. This Ordinance shall take effect immediately upon its passage and approval and publication as required by law, but in no event earlier than 15 days after its passage.

Section 13. The appropriate officers of the County and the Agency are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance.

Section 14. If any one or more sections, sentences, clauses, or parts of this Ordinance shall, for any reason, be held invalid, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance, but shall be confined in its operation to the specific sections, sentences, clauses, or parts of this Ordinance so held unconstitutional and invalid, and the inapplicability and invalidity of any section, sentence, clause, or part of this Ordinance in any one or more instances shall not affect or prejudice in any way the applicability and validity of this Ordinance in any other instances.

Section 15. All resolutions or ordinances of the County in conflict with this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, by-law or regulation, or part thereof, heretofore repealed.

PASSED BY THE BOARD OF COUNTY COMMISSIONERS OF IRON COUNTY,
UTAH THIS DECEMBER 29, 2015.

(SEAL)

By: *Don Bankoff*
Chair

ATTEST:

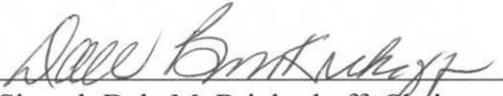
By: *Scott T. White*
County Clerk



David Miller noted that Commissioner Alma Adams was away with family for the holidays, and was excused. Also that Commissioner Adams had written his agreement with the changes made to the Red Hills Renewables Project Area Plan.

ADJOURNMENT

David Miller made a motion to adjourn. Second by Dale Brinkerhoff. Voting: Dale Brinkerhoff, Aye; David Miller, Aye.


Signed: Dale M. Brinkerhoff, Chairman


Attest: Jonathan T. Whittaker, County Clerk

