



Keli Beard <kelibeard@utah.gov>

Letter from Bluff

1 message

Michelle McConkie <meastmconkie@utah.gov>

Wed, Jun 7, 2023 at 10:22 AM

To: Keli Beard <kelibeard@utah.gov>, Chris Fausett <chrisfausett@utah.gov>, Bryan Torgerson <bryantorgerson@utah.gov>
Cc: Tonya Mortensen <tonyamortensen@utah.gov>, Toni Matthews <tonimatthews@utah.gov>

All,

FYI, I received this letter from the Town of Bluff. It looks like our letters crossed in the mail. Does the Legal Group or Surface Group have a folder for this de-annexation matter they could add this to?

Thank you.

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Michelle E. McConkie

DIRECTOR

O: 801-538-5101 | M: 385-266-6317

meastmconkie@utah.gov

102 South 200 East, #600, SLC UT 84111

trustlands.utah.gov



• PLEASE NOTE OUR NEW OFFICE LOCATION •



Bluff Letter.pdf

104K



Town of Bluff

190 N 3rd East – Unit #1
PO Box 324, Bluff, UT 84512
435-672-9990
office@townofbluff.org

May 31, 2023

Michelle McConkie
Utah School and Institutional Trust Lands Administration
102 South 200 East, Suite 600
Salt Lake City, UT 84111

BY: First Class Mail
RE: Town of Bluff and Special Use Lease No. 1900 Solar Lease Issues

Dear Ms. McConkie:

Thank you for meeting with us on May 24, 2023 to discuss concerns involving the Town of Bluff. Since our meeting I have had an opportunity to confer with individual members of the Bluff Town Council about the solar lease with Bluff Bench Solar, LLC, and with regard to larger issues between SITLA and the Town. As a result, I can safely suggest the following thoughts.

First, we understand that SITLA has an important role in our area, and we want to find ways to work together with the agency when development is proposed in and around Bluff. Your staff has expressed a concern that Bluff Bench Solar wishes to press ahead with its development, but that zoning within the Town might restrict or prevent that planned use. Although the Town has never received a planning application or formal inquiry from the solar operator, the Town is willing to engage in a land use review process to allow this to happen. I am told that this could involve either an amendment to our zoning ordinances, a change to the zoning map, or a conditional permit. Although I cannot bind the Town ahead of time to a particular outcome, I can say that we are prepared to review this matter efficiently, if asked.

In our call your staff expressed concern that the Town's zoning does not allow for the solar use on the SITLA lands within the Town. As one who was involved in the incorporation of the Town, I can say that we did not give much consideration to solar development at the time. However, the Town has expressed support for solar development, and our zoning ordinance states the following about development of state lands:

"Public Lands Within the Town. The Town expresses the policy that public lands and state-administered lands within Town limits should be developed in a manner that is consistent with the ordinances and advisory documents of the Town. The Town will engage in dialogue and pursue agreements with public and state agencies to ensure that public and state lands within the Town are developed in a manner that benefits the Town and the public interest."



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With solar development on our doorstep, the Town is willing to consider changes to our ordinances that may be necessary to accommodate this growth.

This brings me to the other subject of our conversation. As you know on May 5, 2023 we received a petition for municipal disconnection from a private landowner. That petition encompasses 9,514 acres within the Town of Bluff, of which only a small portion (about 640 acres) is privately owned by the petitioner, with the bulk of the remainder being SITLA lands. After inquiring with your staff, we learned for the first time that SITLA joins in and consents to this petition.

In the disconnection petition the Town has been informed that it better approve the disconnection, or else it will be the subject of a lawsuit that it will lose, and which will cost a fortune in legal fees. I realize that SITLA did not author the petition, but it is effectively joining forces with this private party, who now threatens the Town. I question whether joining this petition is a good use of state resources when we could be working more cooperatively to accommodate the legitimate development concerns of SITLA and the Town.

The Town would like to explore an agreement with SITLA that would allow for review of development on SITLA lands in a manner that respects both the interests of SITLA and the interests of the people of Bluff. We suggest that the current petition for disconnection is a mistake, and we would like the agency to withdraw its support for disconnection from the Town. We are willing to engage in a serious dialogue to resolve the concerns that your staff has expressed, and we think some compromise is possible. I hope to talk with you again soon.

Sincerely,

A handwritten signature in black ink, appearing to be "Ann Leppanen", written over a light blue horizontal line.

Mayor Ann Leppanen

xc: Town Council