



EAGLE MOUNTAIN PLANNING COMMISSION MEETING MINUTES

August 27, 2024, 5:30 PM
Eagle Mountain City Council Chambers
1650 East Stagecoach Run, Eagle Mountain, Utah 84005

COMMISSION MEMBERS PRESENT: Commissioners Jason Allen, Robert Fox, Rod Hess, Brent Strong, Craig Whiting, and Alternate Commissioner Bryan Free.

ELECTED OFFICIALS PRESENT: Councilmember Brett Wright, Liaison to the Planning Commission.

CITY STAFF PRESENT: Brandon Larsen; Planning Director; Marcus Draper, City Attorney; Robert Hobbs, Senior Planner; Steven Lehmitz, Planner; Elizabeth Fewkes, Planner; Todd Black, Wildlife Biologist/Environmental Planner; and Lianne Pengra, Chief Deputy Recorder.

5:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION WORK SESSION

1. DISCUSSION ITEMS

This item was removed from the agenda and was not discussed.

6:30 P.M. EAGLE MOUNTAIN CITY PLANNING COMMISSION POLICY SESSION

2. CALL TO ORDER

Commissioner Allen called the meeting to order at 6:30 PM.

3. PLEDGE OF ALLEGIANCE

Commissioner Allen led the Pledge of Allegiance.

4. DECLARATION OF CONFLICTS OF INTEREST

None.

5. MINUTES

5.A. August 13, 2024 Planning Commission Minutes

MOTION: *Commissioner Fox moved to approve the August 13, 2024 Planning Commission minutes. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting – Alternate

The motion passed with a unanimous vote.

6. STATUS REPORT

Planning Director Brandon Larsen reviewed the planning items discussed and voted upon during the previous City Council meeting.

7. ACTION AND ADVISORY ITEMS

7.A. ACTION ITEM/PUBLIC HEARING – Rose Ranch Master Development Plan and Rezone

This item was removed from the agenda and was not discussed.

7.B. ACTION ITEM/PUBLIC HEARING – Berry Family General Plan Amendment

Planner Steven Lehmitz presented the item, and Zane Berry addressed the Planning Commission regarding the item.

The proposal is for a rezone from Agriculture to Foothill Residential. The property, Utah County Parcel Number 59:019:0015, is located along Pole Canyon Boulevard, between the Triumph and Scarlet Ridge master developments. For the rezone to be compatible with the General Plan, the property must be amended on the General Plan from Agricultural/Rural Density Two to Foothill Residential.

Commissioner Allen opened the public hearing at 6:38 PM. As there were no comments, he closed the public hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Allen moved to recommend approval to the City Council of the Berry Family General Plan Amendment from Agriculture/Rural Density Two to Foothill Residential. Commissioner Fox seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	No
Bryan Free	Not Voting - Alternate

The motion passed with a vote of 4:1.

7.C. ACTION ITEM/PUBLIC HEARING – Berry Family Rezone

Planner Steven Lehmitz presented the item.

The proposal includes a rezone for a 7.3-acre parcel located along Pole Canyon Boulevard between the Triumph and Scarlet Ridge master developments, Utah County Parcel Number 59:019:0015, from Agriculture to Foothill Residential.

Commissioner Allen opened the public hearing at 6:38 PM. As there were no comments, he closed the public hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Fox moved to recommend approval to the City Council of the Berry Family Rezone from Agriculture to Foothill Residential. Commissioner Allen seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	No
Bryan Free	Not Voting - Alternate

The motion passed with a vote of 4:1.

7.D. ACTION ITEM/PUBLIC HEARING – Harmony and Eagle Mountain Utah West Stake Site Plan

Planner Steven Lehmitz presented the item, and applicant representative Lafe Harris addressed the Planning Commission regarding the item.

The proposal is for site plan approval of a church site subject to the Site Plan Development and Commercial Design zoning standards. The site is located at 1177 E. Rachel Way, Utah County Parcel No. 68:022:0301) in the Harmony subdivision.

Commissioner Allen opened the public hearing at 7:07 PM.

The following individuals spoke during the hearing: Nathan Brown.

Commissioner Allen closed the public hearing at 7:13 PM.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Whiting moved to recommend approval to the City Council of the Harmony and Eagle Mountain Utah West Stake Site Plan. Commissioner Strong seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.E. ACTION ITEM/PUBLIC HEARING – Building Envelope Definition Code Amendment

Planner Steven Lehmitz presented the item.

Eagle Mountain Municipal Code Section 16.25.040(A)(1)(s) requires that final plats include the building envelopes for each lot. They are typically depicted using a diagram that shows setbacks and easements. The setbacks used are almost always meant just for primary structures. However, without a specific callout that the setbacks only apply to primary structures, they actually apply to all structures. Due to the building envelope setbacks usually being more restrictive than typical accessory structure setbacks, they have to be followed. The purpose of this code amendment is to clearly establish that the building envelopes shown on final plats only apply to primary structures and detached accessory dwelling units.

Commissioner Allen opened the public hearing at 7:16 PM. As there were no comments, he closed the hearing.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: *Commissioner Whiting moved to recommend approval to the City Council of the Building Envelope Definition Code Amendment. Commissioner Fox seconded the motion.*

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.F. ACTION ITEM/PUBLIC HEARING – Ranches Properties and Eagle Mountain Properties Parcels 29, 30, and 31 Rezone

This item was removed from the agenda and was not discussed.

7.G. ACTION ITEM/PUBLIC HEARING – Wash Setback Distances Code Amendment

Wildlife Biologist/Environmental Planner Todd Black presented the item.

The phrase “significant setbacks” occurs in three places in Eagle Mountain Municipal Code. In all three cases, the term refers to setting back development from natural washes. Staff recommends the code be amended to a 50-foot setback from the top of the wash to establish a specific, measurable setback requirement. This is in line with recommendations received from the City's engineering consultant, JWO Engineering. Their recommendations seem to be in line with industry standards. These standards are frequently used by the Army Corps of Engineers and other governmental agencies when recommending setbacks for flood plain models and smaller washes in areas considering energy development.

Commissioner Allen opened the public hearing at 7:39 PM.

The following individuals spoke during the public hearing: Bettina Cameron and Kent Gardiner.

Commissioner Allen closed the public hearing at 7:50 PM.

Please see the attached Report of Action for details regarding the public hearing comments and the Planning Commission discussion.

MOTION: *Commissioner Hess moved to recommend approval to the City Council of the Wash Setback Code Amendment, with the following changes:*

- 1. The changes to EMMC 17.25.050 Generally Applicable Provisions, 17.35.050 Generally Applicable Provisions, and 17.37.050 Generally Applicable Provisions be amended to, “No permanent structures near natural washes shall be built within the watercourse plus fifty feet on either side of the top-of-bank, as determined by the City Engineer or designee”; and*
- 2. A recommendation to City Council to also include language to not allow excavation, earthwork or fill within the same fifty-foot boundary.*

Commissioner Allen seconded the motion.

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

7.H. ACTION ITEM/PUBLIC HEARING – Solar Farm/Plants Code Amendment, EMMC 17.75.092
Utilities Public and Private

Senior Planner Robert Hobbs presented the item.

Receipt by the City of an application for battery storage and associated solar arrays required review and recommendation of a rezone request. Public testimony and Commission discussion during the ensuing public hearing suggested the need for the City to expeditiously author, review and adopt an ordinance to address solar power plants and solar farms. A draft ordinance that borrows heavily from Fairfield has been included in the Planning Commission staff report, modified to streamline and fit with Eagle Mountain Municipal Code.

Please see the attached Report of Action for details regarding the Planning Commission discussion.

MOTION: ***Commissioner Allen moved to table the Solar Farm/Plants Code Amendment, EMMC 17.75.092 Utilities Public and Private. Commissioner Hess seconded the motion.***

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

8. DISCUSSION ITEMS

The Planning Commission discussed upcoming training opportunities and the annual training requirements.

9. NEXT SCHEDULED MEETING

The next Planning Commission meeting is scheduled for September 10, 2024.

10. ADJOURNMENT

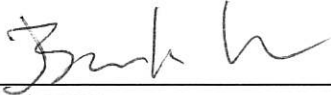
MOTION: ***Commissioner Whiting moved to adjourn the Planning Commission meeting at 8:26 PM. Commissioner Allen seconded the motion.***

Jason Allen	Yes
Robert Fox	Yes
Rod Hess	Yes
Brent Strong	Yes
Craig Whiting	Yes
Bryan Free	Not Voting - Alternate

The motion passed with a unanimous vote.

The meeting was adjourned at 8:26 PM.

Approved by the Planning Commission on September 10, 2024.

A handwritten signature in dark ink, appearing to read 'Brandon Larsen', written over a horizontal line.

Brandon Larsen
Planning Director

Eagle Mountain City

Planning Commission

Report of Action

August 27, 2024

ITEM #7.B. The applicant, Zane Berry, is proposing to rezone their property from Agriculture to Foothill Residential. The property (Parcel No. 59:019:0015) is located along Pole Canyon Boulevard, between the Triumph and Scarlet Ridge master developments. For the rezone to be compatible with the General Plan, the property must be amended on the General Plan from Agricultural/Rural Density Two to Foothill Residential. Steven Lehmitz (801) 789-6617 slehmitz@emcity.org GPA-24-1

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 27, 2024:

RECOMMENDED APPROVAL

On a vote of 4:1, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Jason Allen (**to Recommend Approval**)

Second By: Robert Fox

Votes in Favor of Motion: Brent Strong, Rod Hess, Robert Fox, and Jason Allen

Votes Against: Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE AMENDED

The property to be amended to the Foothill Residential General Plan category is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission also recommended approval of the related rezone application at the August 27, 2024, meeting (Item #7.C., RZN-24-1)

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Zane Berry expressed that he felt that the rezone and General Plan amendments were going to be more of a formality as the adjacent land is already zoned Foothill Residential.
- The parcel is also right along a roadway, so slightly higher density housing would make more sense.

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Whiting stated that changing the General Plan as proposed would isolate the parcel in question. It would also take away the ability of having larger lots, which are difficult to find within the City.
- Commissioners Whiting and Strong asked Staff to clarify and show where the surrounding zoning boundaries were for the Triumph and Scarlet Ridge master developments.
- Commissioner Strong expressed his desire to have larger lots up on the hillside.
- Commissioner Hess asked for clarification about whether the parcel in question was included within an MDA, and Staff responded that it was not.
- Commissioner Allen stated that he preferred larger lots on the periphery of the City. He also noted that the school to the east also aids in separating the change in lot size.
- Commissioner Fox said that the parcel is only 7.3 acres, so the zoning could really go either way and the total unit counts wouldn't change much.
- Commissioner Allen, after seeing where the dividing line was between the Triumph and Scarlet Ridge MDA, said that he was being swayed back to being okay with the proposed Foothill Residential zone.
- Commissioner Free agreed with comments made by Commissioners Allen and Fox.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- None



Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

COM S 1.35 FT & E 946.75 FT FR N 1/4 COR. SEC. 19, T6S, R1W, SLB&M.; S 89 DEG 55' 14" E 370.64 FT; S 0 DEG 5' 25" W 827.87 FT; N 89 DEG 56' 3" W 398.07 FT; N 1 DEG 59' 17" E 828.43 FT TO BEG. AREA 7.305 AC.

Eagle Mountain City

Planning Commission

Report of Action

August 27, 2024

ITEM #7.C. The applicant, Zane Berry, is proposing to rezone their property from Agriculture to Foothill Residential. The property (Parcel No. 59:019:0015) is located along Pole Canyon Boulevard, between the Triumph and Scarlet Ridge master developments. For the rezone to be compatible with the General Plan, the property must be amended on the General Plan from Agricultural/Rural Density Two to Foothill Residential. Steven Lehmitz (801) 789-6617 slehmitz@emcity.org RZN-24-1

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 27, 2024:

RECOMMENDED APPROVAL

On a vote of 4:1, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Robert Fox (**to Recommend Approval**)

Second By: Jason Allen

Votes in Favor of Motion: Rod Hess, Robert Fox, Jason Allen, and Brent Strong

Votes Against: Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR PROPERTY TO BE REZONED

The property to be rezoned to the Foothill Residential Zone is described in the attached Exhibit A.

RELATED ACTIONS

The Planning Commission also recommended approval of the related General Plan Amendment at the August 27, 2024, meeting (Item #7.B., GPA-24-1).

The Planning Commission tabled this rezone request at the August 13, 2024, meeting (Item #7C, RZN-24-1).

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Zane Berry expressed that he felt that the rezone and General Plan amendments were going to be more of a formality as the adjacent land is already zoned Foothill Residential.
- The parcel is also right along a roadway, so slightly higher density housing would make more sense.

PLANNING COMMISSION DISCUSSION

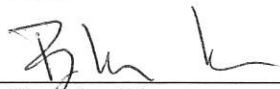
Key points discussed by the Planning Commission included the following:

- Commissioner Whiting stated that changing the General Plan as proposed would isolate the parcel in question. It would also take away the ability of having larger lots, which are difficult to find within the City.
- Commissioners Whiting and Strong asked Staff to clarify and show where the surrounding zoning boundaries were for the Triumph and Scarlet Ridge master developments.
- Commissioner Strong expressed his desire to have larger lots up on the hillside.
- Commissioner Hess asked for clarification about whether the parcel in question was included within an MDA, and Staff responded that it was not.
- Commissioner Allen stated that he preferred larger lots on the periphery of the City. He also noted that the school to the east also aids in separating the change in lot size.
- Commissioner Fox said that the parcel is only 7.3 acres, so the zoning could really go either way and the total unit counts wouldn't change much.
- Commissioner Allen, after seeing where the dividing line was between the Triumph and Scarlet Ridge MDA, said that he was being swayed back to being okay with the proposed Foothill Residential zone.
- Commissioner Free agreed with comments made by Commissioners Allen and Fox.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

The Planning Commission identified the following findings as the basis of this decision or recommendation:

- None



Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

COM S 1.35 FT & E 946.75 FT FR N 1/4 COR. SEC. 19, T6S, R1W, SLB&M.; S 89 DEG 55' 14" E 370.64 FT; S 0 DEG 5' 25" W 827.87 FT; N 89 DEG 56' 3" W 398.07 FT; N 1 DEG 59' 17" E 828.43 FT TO BEG. AREA 7.305 AC.

Eagle Mountain City

Planning Commission

Report of Action

August 27, 2024

ITEM #7.D. Mike Davey requests site plan approval of a church site subject to the site plan development and commercial design zoning standards. The site is located at 1177 E. Rachel Way (Parcel No. 68:022:0301) in the Harmony subdivision. Steven Lehmitz (801) 789-6617 slehmitz@emcity.org SITE-24-1

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 27, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted application.

Motion By: Craig Whiting (**to Recommend Approval**)

Second By: Brent Strong

Votes in Favor of Motion: Craig Whiting, Robert Fox, Jason Allen, Brent Strong, and Rod Hess

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

LEGAL DESCRIPTION FOR THE PROERTY OF THE SITE

The property where the site plan is to be located is described in the attached Exhibit A.

RELATED ACTIONS

None

PROPOSED OCCUPANCY

N/A

PROPOSED PARKING

- Parking stalls required (1 per 20 sq. ft. of main assembly room (3,040 sq. ft.)): 153
 - 6 ADA stalls, 1 of which shall be van accessible
- Total parking stalls provided: 244

- 6 ADA stall, 3 van accessible
- 53 stalls designated for snow storage

DEVELOPMENT AGREEMENT

The proposed site is located within the Harmony Master Development.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed in the Staff Report to the Planning Commission. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing included the following:

- An email was received from Angelle Brown. Nathan Brown, the husband of Angel Brown, spoke at the meeting.
- Nathan stated that they live west of the site on Annabell Street and have concerns about construction conditions and traffic. The major concern was that Rachel Way is the acting main entrance into this neighborhood, causing increased traffic along the road, including construction vehicles. He inquired about the timing of the construction of Walden Parkway to the south.

APPLICANT RESPONSE

Key points addressed in the applicant's presentation to the Planning Commission included the following:

- Lafe Harris, representing the applicant, didn't have anything additional to add.

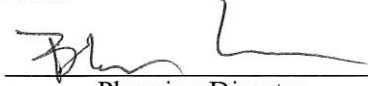
PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Commissioner Whiting asked what the landscaping in the park strips would be.
- Commissioner Hess verified that the headlight screening requirement would be met with the proposed berm and landscaping.
- Commissioner Allen asked if there were any conflicts with intersections and the ingress points to the site along Bell Buoy Way.

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

None



Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

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BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS

EXHIBIT A

LOT 301, HARMONY SUBDIVISION PHASE A, PLAT 3, ACCORDING TO THE OFFICIAL PLAT THEREOF ON FILE AND OF RECORD IN THE UTAH COUNTY RECORDERS OFFICE.

Eagle Mountain City

Planning Commission

Report of Action

August 27, 2024

ITEM #7.E. Staff requests approval of a proposed code amendment to EMMC 17.10.030 Definitions. EMMC 16.25.040(A)(1)(s) requires that final plats include the building envelopes for each lot. They are typically depicted using a diagram that shows setbacks and easements. The setbacks used are almost always meant just for primary structures. However, without a specific callout that the setbacks only apply to primary structures, they actually apply to all structures. Due to the building envelope setbacks usually being more restrictive than typical accessory structure setbacks, they have to be followed. The purpose of this code amendment is to clearly establish that the building envelopes shown on final plats only apply to primary structures and detached accessory dwelling units. Steven Lehmitz (801) 789-6617 slehmitz@emcity.org FP-24-9

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 27, 2024:

RECOMMENDED APPROVAL

On a vote of 5:0, the Planning Commission recommended that the City Council approve the above-noted request.

Motion By: Craig Whiting (**to Recommend Approval**)

Second By: Robert Fox

Votes in Favor of Motion: Robert Fox, Jason Allen, Brent Strong, Rod Hess, and Craig Whiting

Jason Allen was present as Chair.

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and the Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENTAL ISSUES

None

CONCERNS RAISED BY PUBLIC

None

APPLICANT RESPONSE

None

PLANNING COMMISSION DISCUSSION

None

FINDINGS / BASIS OF PLANNING COMMISSION DETERMINATION

None

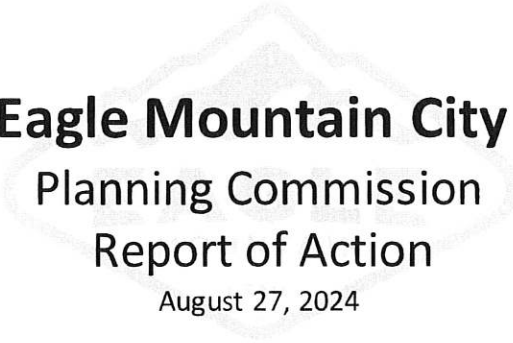


Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission **may be appealed** by submitting an application/notice of appeal, with the required application and noticing fees to the Planning Division, **within fourteen (14) calendar days of the Planning Commission's decision** (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.).

BUILDING PERMITS MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS



Eagle Mountain City

Planning Commission

Report of Action

August 27, 2024

ITEM # 7H A proposal to enact a code amendment (EMMC 17.75.092) to govern the siting, construction, maintenance and operation of solar power plants and solar farms as well as providing varying definitions related to the same. Robert Hobbs (801) 789-6708 rhobbs@emcity.org

The following action was taken by the Planning Commission on the above-described item at its regular meeting of August 27, 2024:

Table

On a vote of 5:0, the Planning Commission recommended that the Municipal Council approve the above-noted application.

Motioned By: Rod Hess (to Table)

Seconded By: Brent Strong

Votes in Favor of Motion: Jason Allen, Robert Fox, Rod Hess, Brent Strong, and Craig Whiting

Jason Allen was present as Chair

Includes facts of the case, analysis, conclusions and recommendations outlined in the Staff Report, with any changes noted; Planning Commission determination is generally consistent with the Staff analysis and determination.

STAFF PRESENTATION

The Staff Report to the Planning Commission provides details of the facts of the case and Staff's analysis, conclusions, and recommendations.

CITY DEPARTMENT ISSUES

None have been raised.

CONCERNS RAISED BY PUBLIC

Any comments received prior to completion of the Staff Report are addressed therein. Key issues raised in written comments received subsequent to the Staff Report or public comment during the public hearing include the following:

- The propriety of proposed future solar farms in/around the City
- Quantity of County approved solar farms in the vicinity as well as parcels under negotiation for emplacement of such
- The costs of dealing with failing systems facilities/components and the need for the City to have a means to be able to handle those, or the companies that are responsible for the same

APPLICANT COMMENTS

Key points addressed in the City's presentation to and/or discussion with the Planning Commission included the following:

- A brief review of the proposed amendments, including a couple of minor typo corrections and the distinction between the site plan application supplementary submittal requirements section and the regulations/mitigations rules section was provided to the Commission
- Staff communicated that the draft is a work in progress and is based on Fairfield Utah's code which is more wholistic than many codes that address solar power plants and farms
- A comment regarding a dust and erosion control plan and/or narrative will be added to the amendments as per inquiry by Commissioner Whiting
- Some Councilors preferred the regulations be made a part of an overlay zone vs. scattered through the code or in a section or subsection thereof (instead of being in their own chapter)
- The Commission was complimentary of Staff that a thorough draft ordinance was returned to them so quickly – after their last meeting two weeks prior to address solar power plants and/or farms when concern about such was raised during discussions about a proposed battery storage facility intended to be built in the southern end of the City to supplement Rocky Mountain Power's electrical system (especially given data center grid draw) that is new to the area

PLANNING COMMISSION DISCUSSION

Key points discussed by the Planning Commission included the following:

- Propriety of proposed future, adjunct/possible accessory solar farms related to the proposed property use
- The Commission liked that the draft proposed the regulations as an overlay zone
- The proposed maximum structure height, while subjective, seem agreeable at 20' maximum
- The disallowance of concentrating thermal devices is a good standard
- That the requirement for and varying solutions for requiring monies (adjustable over time to react to inflationary costs) for any potential dismantling, replacement/repair, decommissioning or mitigation post abandonment was praiseworthy
- That Staff could investigate the viability of adding the use of Superfund monies to the monetary damages and/or mitigation payments required by the proposed code



Planning Director

See Key Land Use Policies of the Eagle Mountain General Plan, applicable Titles of the Eagle Mountain City Code, and the Staff Report to the Planning Commission for further detailed information.

Administrative decisions of the Planning Commission may be appealed by submitting an application/notice of appeal, Page 3 of 4 with the required application and noticing fees to the Planning Division, within fourteen (14) calendar days of the Planning Commission's decision (Eagle Mountain City office hours are Monday through Friday, 7:30 a.m. to 5:30 p.m.). BUILDING PERMITS

MUST BE OBTAINED BEFORE CONSTRUCTION BEGINS