

UTAH COUNTY PLANNING COMMISSION

Minutes March 18, 2025

Present:

Sullivan Love
Seth Cox
Karen Ellingson
Chris Herrod

Excused:

Robert McMullin
Lorraine Davis
Shayne Pierce
Glen Roberts

Also Present:

Bryce Armstrong
Greg Robinson
Marie Patten
Dale Eyre

A. CALL TO ORDER

Motion: Sullivan Love Second: Seth Cox

Motion to nominate Karen Ellingson as the board chair for the meeting. The motion passed with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

Karen Ellingson called the meeting to order at 5:30 PM at 100 E Center St, Room 1400, of the Utah County Administration Building, located in Provo, Utah.

B. PLEDGE OF ALLEGIANCE

Karen Ellingson led the pledge of allegiance.

C. APPROVAL OF MINUTES

Motion: Sullivan Love Second: Seth Cox

Motion to **approve** the minutes of the February 18, 2025, meeting of the Utah County Planning Commission. The motion passed with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

D. CONDITIONAL USE APPLICATIONS

1. **Snowbird Ski and Summer Resort – Request to extend the termination date for a conditional use (Utah County Board of Adjustment Appeal #1552) granted on April 7, 2016, and extended on November 7, 2019 for accessory ski lifts and**

various associated mountain resort facilities in the Critical Environment (CE-1) Zone, located in Sections 8, 17, 18, 19, 20, and 29, T3S R3E, in the upper American Fork Canyon area of unincorporated Utah County

Bryce Armstrong explained that the Planning Commission now has the authority to approve conditional uses, a recent change. He provided historical context on Snowbird's approvals, starting with a 1997 amendment allowing accessory ski lifts in the CE-1 zone. This enabled Snowbird to gain a conditional use permit for two new lifts. In 2011, another amendment expanded allowed uses to include year-round resort facilities. Snowbird then received a permit for amenities like trails, warming huts, and a reservoir for snowmaking. In 2016, they received further approvals for replacing and adding new lifts, facilities, and avalanche control measures. These approvals came with 20 conditions to mitigate environmental impacts, including baseline water monitoring, parcel identification requirements, and restrictions on disturbing mine tailings or waste piles. A separate conditional use was approved for towers over 40 feet tall. In 2019, Snowbird requested and received a permit extension to April 7, 2025, to allow for more environmental analysis and planning. The current request is for an additional 5-year extension to 2030. He emphasized that the Commission's role is not to revisit the original approval but to assess whether the extension is necessary to provide substantial justice, a term he explained using state code and administrative decision-making guidance.

Karen Ellingson asked for clarification on what constitutes "substantial justice," as the term seemed vague in the documentation.

Dale Eyre responded that "substantial justice" is not clearly defined by courts but generally refers to what is fair. He advised the Commission to consider whether additional time is a fair and reasonable request given the original approval.

Chris Herrod asked why there are deadlines on conditional use permits. He noted that it would be less contentious if deadlines didn't exist or were clearer in purpose.

Bryce Armstrong explained that deadlines exist to ensure the conditions surrounding a project haven't changed substantially. They help determine whether the anticipated impacts of a project are still relevant. He acknowledged that a one-year termination date is often too short and that the County is considering adjusting those deadlines, potentially with a cap.

Karen Ellingson confirmed her understanding that the applicant is still permitted to carry out their plans and that the Commission is only deciding on the timeline.

Bryce Armstrong affirmed that Snowbird must take action before April 7 of this year to maintain their permit status and bring their plans to fruition.

Dave Fields, President and General Manager of Snowbird, introduced himself and asked for the extension of the previously approved conditional use permit. He clarified that Mary Ellen Gulch would not be accessed through American Fork Canyon but exclusively from Little Cottonwood Canyon. He highlighted Snowbird's commitment to environmental protection and compliance with zoning requirements. He reviewed their work on water quality, including regular testing and

collaboration with various agencies. He stated that these efforts had led to improved water quality and vegetation growth. He described their continued commitment to environmental standards and outlined future plans, including creating an ATV loop for summer access and researching new lift technologies for efficiency and reduced visual impact. He detailed the multi-year timeline for completing the lift installations due to the short seasonal work window and emphasized the preparation work already done. He concluded by thanking the Commission and offering to answer questions.

Sullivan Love asked whether construction access would occur through American Fork Canyon.

Dave Fields responded that it was uncertain at this time. He noted that many off-road community members preferred the road remain rugged and that any required access through Mary Ellen Gulch would be restored to its current off-road condition. He added that most of the construction work would likely be done by helicopter.

Sullivan Love followed up by asking about road damage from runoff in American Fork Canyon and whether the construction route would pass through that area.

Dave Fields confirmed that the damaged area was above Tibble Fork and outside the ski zone. He stated there were plans to repair the damage during the summer and that Snowbird had offered assistance due to their road-building experience.

Chris Herrod asked if the five years since the previous extension had been sufficient for Snowbird to gather the necessary information.

Dave Fields affirmed that they needed the time to work with state and federal agencies and evaluate new lift technologies. He expressed satisfaction with improvements in water quality and the surrounding area.

Karen Ellingson inquired about what remains to be done during the requested extension.

Dave Fields explained that the remaining work included selecting lift technology, preparing the site, and obtaining county permits before construction could begin.

Seth Cox asked for clarification on the lift locations and whether people currently skied in those areas.

Dave Fields described the existing lift at Hidden Peak and explained that the proposed gondola would terminate near the shoulder of the American Fork Twin Peaks, not at the summit. He noted that most skiing currently occurs in Mineral Basin, and this project would expand access into Mary Ellen Gulch, which is on private land.

Sullivan Love asked for clarification on the size of the facility at the top of the tram.

Dave Fields confirmed it was a 23,000-square-foot building that houses a restaurant and the ski patrol headquarters and is located in Salt Lake County.

Sullivan Love also confirmed with Fields that skier access would remain exclusively through Little Cottonwood Canyon, not American Fork Canyon.

Karen Ellingson asked about emergency access routes for injured guests.

Dave Fields explained that ski patrol would use lifts and toboggans to evacuate injured guests, as they currently do in Mineral Basin. In severe cases, a helicopter would be used if weather allowed.

Karen Ellingson reminded the Commission that the item was administrative and not a public hearing but acknowledged public requests to comment. She opened the floor for a motion to allow public participation.

Bryce Armstrong suggested asking the public whether any wanted to consolidate their time to speak as a group, which would allow more time for a spokesperson.

Karen Ellingson asked if rules for public comment needed to be reestablished.

Bryce Armstrong clarified they were already in place—three minutes per speaker, with up to seven minutes for a group spokesperson.

Chris Herrod requested clarification be provided to the public about the difference between administrative and legislative decisions to prevent misunderstandings.

Bryce Armstrong explained that conditional uses are administrative decisions. Legislative action previously established that the use is appropriate in certain zones. If an applicant meets the conditions and adverse effects are reasonably mitigated, approval is required. Public opposition is not grounds for denial.

Dale Eyre added that if the Commission fails to follow the law in an administrative decision, it could lead to litigation and liability. Courts can second-guess administrative decisions but rarely do so with legislative ones. Therefore, discretion is limited in this case.

Seth Cox summarized that public comments should focus on whether the extension should be granted and why.

Dale Eyre reinforced that the underlying permit has already been approved and is not subject to change. The sole issue is whether an extension is warranted to achieve substantial justice for the project.

Motion: Chris Herrod Second: Sullivan Love

Motion to **open** public comment. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

Karen Ellingson explained that comments should focus solely on the timeline extension for the already approved conditional use permit. She reminded speakers that the Commission could not reconsider the original permit or make changes to it.

Willie Holdman expressed concern that the Commission appeared constrained in its decision-making. He provided background on previous proposals by Snowbird, including a rejected tram to Twin Peaks and further development in Mary Ellen Gulch. He emphasized the community's strong opposition to ski resort expansion, referencing surveys that showed most canyon users favored hiking, wildlife viewing, and other non-motorized uses. He warned that installing ski lift towers would compromise the canyon's natural character and urged the Commission not to extend the permit.

Brad Frost thanked the Commission for their service and shared his connection to American Fork Canyon. He acknowledged that some concerns had been addressed but urged the Commission to consider limiting the extension length or ensuring public access. He emphasized the need to protect local culinary water sources, expressing concern about the potential impact of development on this critical resource.

Willie Holdman returned briefly to reiterate his concerns, questioning why Snowbird needed an additional five years after already having ten. He warned against allowing incremental development that could eventually exclude public users and urged the Commission to deny the extension to prevent further encroachment.

Tina Bean spoke on behalf of a large hiking community. She emphasized the wide variety of canyon users and the importance of maintaining a wild, accessible natural space. She voiced concern about the precedent set by ski resort expansion in other canyons and urged the Commission to avoid prioritizing commercial interests over public access and environmental preservation.

Brian Jones reflected on the meaning of "preserve" and the balance between use and conservation. He supported the idea of seeking clear commitments from Snowbird on limits to future development and encouraged the Commission to obtain more detailed information before approving an extension.

Colby Rawlins, a board member at Snowbird, clarified that the proposed lifts were entirely on Snowbird's private land and that accessing American Fork Canyon from the proposed sites was not feasible. Over the past nine years, he reviewed Snowbird's environmental stewardship and water quality work. He explained the logistical and environmental reasons for the requested five-year extension and committed that Snowbird would not request further extensions beyond this one.

Vanessa Stanfill expressed concern about the construction project's short-term and long-term detrimental impacts.

Mark Flickinger, a local attorney and resident, argued against another extension. He stated that conditional use permits are intentionally time-limited and that Snowbird had already been

granted two extensions over ten years. He expressed frustration that critical questions about trail use and environmental impacts remained unanswered and urged the Commission to deny the extension on the basis of these continued uncertainties.

Brian Poiman, representing Boar Off-Road, shared his organization's extensive experience maintaining trails in American Fork Canyon. He expressed serious concerns about environmental risks, especially related to disturbing mine tailings and the potential impact on water quality. He recalled past environmental damage during the Tibble Fork Dam project and argued that Snowbird's mitigations have been minimal. He urged the Commission not to extend the permit, stating that if more time is needed, Snowbird should reapply and go through the approval process again with a new commission.

Joseph Koza questioned the reasoning behind the extension request, specifically Snowbird's reference to newer lift technology. He argued that this justification could be used indefinitely and did not warrant an extension.

Brad Frost returned to caution against relying solely on current federal regulations. He noted the possibility of changes in Washington, D.C., that could alter environmental standards and stressed that a shorter extension might be more prudent given the uncertainty.

Karen Ellingson asked staff for clarification on what the Commission could legally decide.

Bryce Armstrong explained that the Commission could not change previous conditions but could decide whether the extension met the standard of "substantial justice." The Commission could approve the full extension, approve a shorter one, or deny it with specific findings.

Chris Herrod asked about baseline water quality monitoring and whether the required timeframe had been sufficient.

Bryce Armstrong responded that the original plan approved by state experts called for a 2- to 3-year baseline monitoring period. He acknowledged that a longer study might provide more accurate data, but the original decision allowed for the time given.

Karen Ellingson clarified that the project has multiple phases and that certain conditions need to be met before others can begin.

Bryce Armstrong agreed but noted that while the original approval considered sequencing, the extensions were more about changing circumstances post-approval.

Sullivan Love asked about mining rights and whether private owners could use heavy equipment on patented mining claims.

Bryce Armstrong clarified that Snowbird owns all the patented claims involved in this project.

Colby Rawlins added that many of these claims only provide surface rights, not mineral rights, which limit certain activities like mining.

Seth Cox asked about the implications of either approving or denying the extension.

Bryce Armstrong explained that if the extension were denied, the original approval would expire on April 7. Snowbird would need to obtain a permit prior to April 7 or reapply for a new conditional use. If approved, the extension would give them more time to proceed under the 2016 conditions.

Chris Herrod confirmed that if they reapplied, it would be a new application but still subject to the same conditional use laws.

Karen Ellingson clarified that if Snowbird reapplied, it would return to the Planning Commission rather than being handled by county staff alone.

Sullivan Love acknowledged that Snowbird had generally been a good partner by allowing public access. He recognized concerns about water quality and emphasized the importance of continued monitoring. He clarified that past environmental issues related to the Tibble Fork Dam reconstruction were unrelated to Snowbird's development. He concluded with a request for a definition of heli-skiing and cat skiing for public understanding.

Dave Fields explained that Snowbird operates helicopter skiing in Mary Ellen Gulch through Wasatch Powderbird Guides when conditions allow. The area is not heavily used, and most snowcat skiing occurs in the lower Mineral Basin, where guests are transported by snowcat from the lift base to higher terrain. Avalanche conditions and snowpack are the main limitations of these operations. He also reiterated that Snowbird has collected nine years of ongoing water quality data.

Sullivan Love acknowledged the traffic concerns raised by the public but emphasized that the general population growth in Utah County would continue increasing canyon traffic regardless of Snowbird's development. He also addressed visual impact concerns, comparing ski towers to utility infrastructure already visible in many parts of the state. He inquired about public access protections under the permit.

Bryce Armstrong clarified that while public access via county roads is protected, the ordinance explicitly prohibits the use of American Fork Canyon for accessing Snowbird's facilities associated with the conditional use.

Seth Cox expressed support for collaborating with Snowbird as responsible stewards of their land. He felt it made more sense to work with them under the existing permit rather than push for denial, which might force rushed development.

Karen Ellingson shared that she preferred a slower approach to development, valuing the extended time taken for environmental monitoring. She appreciated having substantial water data before further construction.

Sullivan Love asked whether Snowbird's plans for public access, including the proposed ATV loop, were sufficient. Herrod responded that while he hoped Snowbird would continue offering access and maintain current road alignments, he did not believe the Commission could impose new requirements beyond what the ordinance allows.

Motion: Chris Herrod Second: Seth Cox

Motion to **approve** the extension of the termination date for appeal 1552, a conditional use request for ski lift access and associated mountain resort facilities, subject to staff findings included in Section 4 of the staff report and included conditions. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

2. **Snowbird Ski and Summer Resort – Request to extend the termination date for a conditional use (Utah County Board of Adjustment Appeal #1553) granted on April 7, 2016 and extended on November 7, 2019, for support towers for accessory ski lifts and various associated mountain resort facilities with heights that exceed 60 feet, in the Critical Environment (CE-1) Zone, located in Sections 8, 17, 18, 19, 20, and 29, T3S R3E, in the upper American Fork Canyon area of unincorporated Utah County**

Motion: Seth Cox Second: Sullivan Love

Motion to **approve** the request subject to staff findings and conditions. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

3. **Quicksilver Solar, LLC – Application #CU2024-01 - Request to amend a previously approved conditional use for a solar power generation facility in the Mining and Grazing (M&G-1) Zone by adding additional property, located in Sections 21 and 23, T7S R2W, approximately 480 acres, Cedar Valley/Fairfield area of unincorporated Utah County**

Greg Robinson presented the amendment, explaining that Quicksilver Solar was seeking to add four new parcels totaling 480 acres to the existing approval area. These parcels would expand the project area to nearly 2,000 acres. The solar facility, a 440-megawatt utility-scale project, was originally approved in 2023, with the existing permit expiring in May 2029. The applicant did not request a time extension; the amendment was applied only to expand the area. He noted that the new parcels would create two additional "islands"—properties surrounded by the solar development that are not part of the project. Staff recommended that the applicant reserve 56-foot-wide access corridors to allow future access to landlocked parcels. These routes would not constitute public roads but would need to be coordinated between private landowners. The facility will not be staffed, which simplifies access and infrastructure requirements.

Seth Cox asked about the nature of the islands.

Greg Robinson clarified that the applicant had attempted to include those properties, but negotiations had not succeeded. The applicant owns or leases the majority of surrounding

properties.

Chris Herrod questioned whether all private property has access rights.

Dale Eyre explained that unless there is a historical or legal easement, access is not guaranteed, and it's up to buyers to secure it when purchasing property.

Adrienne Bell, representing Enyo Renewable Energy, stated that the amendment only expands the project boundaries for Phase 3. She presented a map showing the expanded area and noted the reserved access route. She confirmed that the solar projects are part of a larger effort involving affiliated entities, including a gas power plant.

Sullivan Love asked if the Quicksilver and Mosida Energy projects were integrated.

Adrienne Bell confirmed they were affiliated and part of a coordinated development. She also confirmed that while the solar facility would be unstaffed, the gas plant would have on-site personnel.

Motion: Seth Cox Second: Sullivan Love

Motion to allow public comment. The motion passed with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

Holly McKinney, Mayor of Fairfield, expressed serious concerns about the impact of solar development on her town. She described how existing solar projects, like the Faraday project, had significantly increased heavy truck traffic through Fairfield on roads that were not designed to support it. She highlighted dangerous traffic conditions, damage to infrastructure, including a newly installed million-dollar water line, and the lack of compensation or cooperation from developers. She stated Fairfield was not notified in a timely manner about this amendment and insisted the area falls within Fairfield's annexation policy plan. She argued that the County should adopt Fairfield's higher standards, require proper easements, ensure responsible decommissioning plans for solar panels, and enforce accountability around road usage and environmental impact.

Brent Ault, a local farmer and property owner, shared his personal experience of having his farmland and property boundaries disturbed by construction related to the solar project. He said a road on his land was widened from 30 feet to nearly 80 feet without legal authorization or compensation. He underscored how solar developers had taken liberties without following proper easement processes. Alt also read a statement from neighboring landowners at the IRL landfill expressing concerns about increased truck traffic, lack of accountability for road maintenance, and unsafe driving behaviors by solar contractors. He urged the Commission to hold Quicksilver accountable.

Greg Jackson, a Lehi resident and chair of the Lehi Planning Commission, shared that his property is nearly surrounded by solar development. He emphasized the need to ensure access rights for affected landowners and to impose clear conditions around access roads. He noted that

zoning exists to protect property owners and should be enforced accordingly. He advocated for proper surveying of all property boundaries and voiced frustration with the lack of safeguards imposed in earlier phases of the project. He warned that inadequate regulation would lead to legal conflicts and could push other landowners like himself to consider solar development as their only viable option.

Valerie Manning, owner of the northernmost isolated parcel, described feeling boxed in by the surrounding solar development. She stressed that the previously included access road was meaningless without a signed and recorded easement guaranteeing access to her land. She shared her dissatisfaction with Quicksilver's attempts to buy or lease her land at unfair rates and reaffirmed her intention to retain and use her property. She asked the Commission to honor her rights as a landowner and requested the addition of a protective 6-to-10-foot fence around her parcel. She also raised concerns about the environmental impacts and fairness of land surveys associated with the project.

Chris Herrod directed a question to staff about whether a survey was a required condition under county ordinances. He referenced his past experience where surveys were always required for subdivisions within cities.

Greg Robinson clarified that surveys are not mandated by county ordinance, though property owners and developers are responsible for ensuring accurate boundaries. He explained that disputes over overlapping property lines are considered private matters and not something the County typically mediates. He acknowledged the potential for discrepancies in surveys and emphasized that legal title and title reports are required during subdivision approvals.

Chris Herrod expressed concern about property owners needing to go to court over boundary issues and questioned whether the justice system was the appropriate path for resolution.

Greg Robinson reiterated that disputes over land surveys were private issues and not within the County's jurisdiction.

Chris Herrod confirmed that property owners can seek justice through the courts.

Greg Robinson agreed.

Karen Ellingson asked if there were additional questions for staff.

Seth Cox referenced a point made by the Mayor of Fairfield and suggested that the applicant should address it.

Karen Ellingson invited the applicant to respond.

Adrianne Bell addressed concerns raised during public comments. She explained that the project's infrastructure and access would be routed through Eagle Mountain and not Fairfield, using Lake Mountain Road. She stated that comprehensive surveying would be conducted due to the financial scale of the project and the requirements of investors and lenders. She confirmed an

agreement with 56-foot access set aside and noted that many parcels in the area are restricted from development due to illegal subdivisions and associated covenants. She emphasized that the development challenges faced by other parcels are unrelated to the current project and highlighted the effort taken to resolve similar issues for the project site.

Karen Ellingson asked for a map showing the intended access route from Eagle Mountain.

Adrianne Bell attempted to describe the route using a map and indicated that access would be via Lake Mountain Road.

Greg Robinson elaborated that the route would come through Eagle Mountain, then follow Lake Mountain Road before branching off to access the project. He clarified that the paved access would need to extend all the way to the project site, and this condition would also be part of the next application.

Karen Ellingson asked whether it would be permissible to require that the road used be appropriate for heavy vehicular traffic.

Greg Robinson responded that while the current conditional use does not have that requirement, the next application does include such a condition.

Sullivan Love questioned whether the requirement for road improvements also applied to the current item.

Greg Robinson explained that improvements are required even for the solar project alone, but paving is only mandated when an occupied structure is involved.

Karen Ellingson suggested possibly adding a condition about the required access route.

Greg Robinson stated that whichever route the applicant uses must be maintained and restored after construction.

Karen Ellingson asked about the classification of the road in question.

Greg Robinson confirmed it is a Class B, unpaved county road. He added that the next application would require it to be paved and maintained to county standards throughout the construction period.

Karen Ellingson asked if the County had any assurances that the road improvements would be completed.

Greg Robinson stated that the improvements are a permitting condition and will be reviewed by public works prior to issuing a certificate of occupancy.

Sullivan Love asked about the annexation policy plan and the process for verifying conflicting plans.

Greg Robinson noted that the GIS department maintains the current annexation plans and showed the existing boundary data for Eagle Mountain and Fairfield.

Karen Ellingson clarified which areas were under annexation plans.

Greg Robinson confirmed the areas marked and explained that annexation plans are aspirational and not legally binding.

Karen Ellingson asked if annexation requires a landowner agreement.

Greg Robinson responded that annexation generally requires property owner consent.

Karen Ellingson asked if there were more questions for the applicant and thanked them.

Sullivan Love suggested reviewing the next application before voting due to the overlap between the items.

Karen Ellingson acknowledged the suggestion and noted that such an approach had been taken before.

Seth Cox inquired whether Eagle Mountain had commented on the increased traffic.

Greg Robinson responded that Eagle Mountain's planning department had been contacted but did not submit formal comments. However, they were aware of the project and had agreements in place for improvements.

Sullivan Love asked if the second project was dependent on those road improvements.

Greg Robinson confirmed that it was.

Karen Ellingson asked about the dependency between items 3 and 4.

Greg Robinson explained that if the required road improvements were not completed, the conditional use would expire.

Sullivan Love asked if the five-year time limit for the project's approval was still in place.

Greg Robinson confirmed that the original approval was valid through 2029 and that an extension had not been requested.

Sullivan Love questioned whether the time frame should be reconsidered.

Greg Robinson noted that applicants typically request longer timelines due to the extended process of connecting to power lines, which is why longer approvals are common for solar projects.

Sullivan Love raised concerns about potential contamination from damaged solar panels during decommissioning.

Adrianne Bell assured that a decommissioning plan would be submitted as part of the building permit application. The plan would include site cleanup, material disposal or recycling, and property restoration.

Chris Herrod noted that a bond is typically associated with such plans.

Adrianne Bell confirmed that a bond is likely in place, though she would verify.

Greg Robinson explained that the decommissioning plan requirement was listed under condition number 8 and includes financial assurances to fully decommission the site.

Sullivan Love asked if environmental studies were submitted as part of the original application.

Adrianne Bell stated that extensive studies were conducted, including groundwater and wildlife assessments. She clarified that the current request was simply to extend the project to two new areas, with all other elements remaining unchanged.

Motion: Karen Ellingson Second: Sullivan Love

Motion to **approve** subject to staff findings and conditions from the staff report with three additional conditions: that an access route be approved by public works, that adjacent jurisdictions be consulted when developing that access route, and that the maintenance and restoration of any roads used for the construction of the facility. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

4. Mosida Energy, LLC – Application #CU2025-01 - Request for conditional use for a natural gas electric power generation facility in the Mining and Grazing (M&G-1) Zone, located in Section 25, T7S R2W, approximately 34-acre project site, Cedar Valley/Fairfield area of unincorporated Utah County

Greg Robinson presented an application for a conditional use permit related to a proposed electrical power generation facility. He explained that while the subject parcel is around 1,100 acres, only approximately 34 acres will be developed. The facility would include up to 12 combustion turbines and could be phased depending on demand. He noted that the facility would operate 20–40% of the time and would require paved road access due to being occupied by 15–20 employees. He clarified that final turbine stack heights were not yet determined, and separate future approvals would be required for both the stacks and a proposed water tank. Thirteen mitigation measures had been included as conditions, along with requirements for various permits and infrastructure improvements.

Chris Herrod asked whether power purchase agreements were in place, highlighting the industry norm that such agreements usually require significant groundwork before negotiation. He suggested this meant the project was not guaranteed to proceed but needed conditional approval first.

Karen Ellingson suggested that the applicant address that question during their presentation.

Sullivan Love expressed concern about proceeding without knowing the height of the turbine stacks and questioned whether approving the conditional use would make it difficult to deny a future application for stack height.

Greg Robinson clarified that conditional uses allow for reasonable restrictions, and this approval would not tie the Commission's hands to future decisions.

Chris Herrod followed up by asking if denying the stack height would be legally difficult, given that other power plants are approved in the region.

Dale Eyre confirmed it would be difficult to deny but emphasized the importance of imposing reasonable conditions during the approval process.

Sullivan Love questioned whether other power plants existed in the unincorporated county area.

Greg Robinson clarified that no power plants currently exist in unincorporated areas—only in incorporated municipalities.

Karen Ellingson referenced a previous meeting in which Rocky Mountain Power was discussed as a key supplier.

Greg Robinson confirmed that Rocky Mountain Power owned the transmission lines that would serve the project.

Greg Host, a consultant for the applicant, explained that the project was initially conceived as a large-scale solar facility aimed at serving data centers with green energy. However, they encountered significant delays due to Rocky Mountain Power's inability to construct interconnection facilities before 2031. To address this, the applicant pivoted to include turbines and battery storage to ensure around-the-clock power delivery. He described the new goal as delivering 500 megawatts of firm power, requiring 1,000 megawatts of solar, 800 megawatts of battery storage, and over 500–600 megawatts of natural gas turbine power. The project would be constructed in phases, depending on customer needs, and was aimed at enabling data centers to secure financing with dependable power sources. The turbines would be located about 3.5 miles south of Eagle Mountain, with road access and agreements planned with both the city and County. He described infrastructure plans, including a 6-mile road, potential water pipelines, wastewater return lines, and a possible well near the facility to avoid pipeline construction. He also confirmed a signed interconnection agreement with PacificCorp and coordination with Kern River for natural gas. He emphasized environmental compliance, noting that the project would use low-emission turbine technology, had completed dispersion modeling, and had purchased

emissions offsets. He outlined benefits such as job creation, tax revenue, minimal long-term traffic or infrastructure burden, and modest environmental impact.

Motion: Karen Ellingson Second: Sullivan Love

Motion to take a five-minute recess. The motion passed with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

Karen Ellingson reconvened the meeting and invited questions for the applicant.

Sullivan Love asked for clarification on the water and wastewater system, noting initial confusion about the direction of wastewater flow. He asked if cooling water was being sent back to Eagle Mountain.

Greg Host explained that the project uses simple cycle technology and would generate minimal wastewater—only about 20 acre-feet annually. The only water disposal would be from an inlet cooling blowdown, similar to a swamp cooler. All other processes, including spray intercooling, would not require wastewater disposal. Sanitary waste would be handled on-site.

Karen Ellingson invited public comment.

Holly McKinney addressed the Commission, reminding them that Fairfield passed an annexation policy on August 14, which includes the area in question. She expressed concern about the project's impact on both Fairfield and Eagle Mountain, especially due to traffic and construction routes linked to nearby solar fields. She noted that gravel for projects like Facebook's often passes through Fairfield because Eagle Mountain restricts traffic through its city center. She recommended that towns impacted by such developments should be formally consulted and granted approval authority. She also urged the Commission to consider adopting the thorough conditional use permit developed with Enyo, which has been reviewed by multiple experts. She concluded by asking the Commission to be mindful of the broader impact on surrounding towns and consider annexation options.

Karen Ellingson acknowledged the comment and returned the discussion to the Commission.

Sullivan Love clarified that the Quicksilver application was an amendment to an existing conditional use permit. He asked about procedures when properties cross city and county boundaries.

Greg Robinson confirmed it was an amendment, noting the main addition was a 56-foot right-of-way for access. He explained that separate approval processes apply for properties spanning jurisdictions and that while cities and counties don't impose conditions on each other, they aim to coordinate on shared concerns such as infrastructure standards. He emphasized collaboration with Eagle Mountain's planning department in this process.

Karen Ellingson asked whether such coordination helps ensure smooth annexation in the future.

Greg Robinson confirmed this and explained that when a property hasn't been annexed, the County may adopt the surrounding city's development standards to ensure compatibility.

Sullivan Love asked about the enforceability and clarity of the 56-foot reserved access condition.

Greg Robinson explained that no specific road alignment was imposed to allow flexibility for the developer and surrounding property owners. There is no existing county road or known easement in that area, so the access would need to be arranged privately.

Karen Ellingson clarified that there is no current road being preserved, but the condition ensures access must be made available.

Greg Robinson agreed, noting that any easements or prescriptive accesses would be private matters between owners.

Karen Ellingson asked if commissioners had additional questions or wanted to propose new conditions.

Seth Cox raised concerns about ensuring trucks use the paved access route and not alternate paths through residential areas like Fairfield.

Karen Ellingson asked if the Commission could require that.

Greg Robinson stated that access from the west would require private agreements and was unlikely. He suggested that the Commission could add a condition requiring developers to maintain and restore any roads used during construction.

Sullivan Love suggested that developers could use physical barriers to prevent access from undesired routes.

Greg Robinson added that a condition could be included requiring the developer to submit a preferred access route for approval and ensure its maintenance.

Karen Ellingson agreed and asked for the proposed wording.

Greg Robinson recommended that the preferred access route be approved by Public Works and maintained accordingly.

Chris Herrod and **Seth Cox** suggested including input from adjacent cities, such as Fairfield, in the process.

Greg Robinson explained that while formal approval from other jurisdictions would be problematic, the County always tries to consult them where possible.

Sullivan Love expressed hope that the applicant, having heard Fairfield's concerns, would act as a good neighbor and voluntarily respect the city's needs, even if trucks don't pass through the town directly.

Motion: Karen Ellingson Second: Sullivan Love

Motion to **approve** the conditional use application, subject to staff findings included in section 4 of the staff report and conditions, items 1 through 9. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

E. LAND USE ORDINANCE AMENDMENT (PUBLIC HEARING)

1. Sundance Mountain Resort – Proposed Utah County Land Use Ordinance text amendment to Section 4.60, and any other applicable section, to allow recreational resorts to utilize off-site parking locations to meet parking space requirements

Greg Robinson explained that the request was related to off-street parking requirements in the County's land use code. Current ordinances require parking to be maintained on-site, but Sundance, due to its location in a narrow canyon and limited developable land, was seeking flexibility to use off-site parking. He outlined the proposed ordinance changes, which included:

- Limiting off-site parking to 40% of the total required spaces
- Requiring an engineered parking plan
- Limiting seasonal parking to one use not exceeding 150 days
- Requiring annual agreements for shared off-site parking
- Mandating clear communication with patrons about off-site parking
- Requiring jurisdictional approval and transportation from off-site lots

He stated that the proposal was reasonable, reflected practices at other resorts, and was supported by staff.

Karen Ellingson asked if shuttle service would be required.

Greg Robinson confirmed that transportation from off-site parking must be provided.

Sullivan Love asked whether there was a maximum distance for off-site parking.

Greg Robinson said that while the issue was discussed, they decided not to specify a limit, as the burden of providing transportation would naturally keep distances reasonable.

Seth Cox joked that no one would be bused in from Eagle Mountain.

Karen Ellingson noted that nearby off-site parking was limited due to the terrain.

Greg Robinson confirmed they were working with Orem and Provo to use underutilized lots in

winter.

Czar Johnson, the Chief Operating Officer of Sundance Mountain Resort, introduced himself and thanked the Commission for their time. He explained that Sundance had already added 350 on-site parking spaces in recent years but had reached a limit. They currently use off-site lots through contracts with Orem and Provo, including Palisade Park, Timpanogos Park, and Canyon Glen Park. UTA and Sundance provide shuttle services from these lots, and they serve a combined 500–600 guests per day on peak days. These arrangements are formalized through annual contracts.

Chris Herrod thanked Czar for making it easier for his family to access the resort.

Seth Cox remarked that it sounded like the resort was already doing what the ordinance would codify.

Czar Johnson confirmed that a recent parking study revealed that with the off-site lots they exceeded peak parking demand. However, because the existing ordinance required on-site, adjacent parking, they needed this amendment to formalize their current operations and prepare for future projects like an additional ski lift and new inn.

Sullivan Love asked how the contracts would be monitored.

Czar Johnson replied that the annual submission of contracts to county staff was required and had already been incorporated into the amendment language. They also hoped to secure longer-term contracts.

Karen Ellingson asked if Sundance anticipated any impact from the upcoming Olympics or if additional ordinance changes would be needed.

Czar Johnson replied that while Sundance wouldn't host events due to its size and location, they expected it to be a popular destination for Olympic visitors and corporate groups. He didn't foresee a need for ordinance changes since ski participation typically dips during such events while lodging demand increases. He added that their current off-site parking arrangement already provides a buffer of about 300 surplus spaces, and they are exploring new locations like Frasier Park to increase efficiency and proximity.

Motion: Sullivan Love Second: Seth Cox

Motion to **open** the public hearing. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

No input from the public was provided.

Motion: Sullivan Love Second: Chris Herrod

Motion to **close** the public hearing. The motion **passed** with the following vote: "Aye" Sullivan

Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

Motion: Sullivan Love Second: Seth Cox

Motion to **approve** the text amendment along with any applicable renumbering or reformatting based on the findings listed in Section 5 of the staff report. The motion **passed** with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

F. OTHER BUSINESS

G. ADJOURN

Motion: Seth Cox Second: Sullivan Love

Motion to adjourn the meeting. The motion passed with the following vote: "Aye" Sullivan Love, Seth Cox, Karen Ellingson, Chris Herrod. "Nay" none.

The meeting was adjourned at 9:16 PM.

Utah County Planning Commission
February 18, 2025

Minutes respectfully submitted by:

APPROVED BY:

Marie Park
Secretary

Karen Ellingson
Chair

