

Emery County Planning & Zoning

Meeting Minutes

August 12th, 2026 1:00 p.m.

Done

Join Zoom Meeting

<https://zoom.us/j/4353813570?pwd=NWduRlZzRCtGNUdnd1d0NkNNdmxIZz09>

passcode:Emery

IN ATTENDANCE: Gary Arrington, Bart Cox, Bruce Wilson, Tyler Jeffs, Laurel Killpack, Whitney Phelps, Seth Manning, Joe Begay, Jessie Lobato, Jim Jennings, Natalie Olsen, Commissioner Leonard, Commissioner Worwood, Commissioner Jensen

EXCUSED:

1. Welcome:

Gary welcomed all in attendance and opened the meeting.

2. Discuss/Approve/Deny: July 10th, 2026 Meeting Minutes.

Bruce Wilson made a motion to approve the minutes with a second from Bart Cox. The motion passed unanimously.

3. Discuss/Approve/Deny: Hangin Beef Minor Subdivision (Korby Christiansen)

Korby Christiansen joined the meeting online to discuss the Hangin Beef Minor Subdivision.

- The property is located just south of Emery, outside the town limits.
- The property consists of approximately 80 acres, with the applicant requesting approximately two acres for a new home.
- There is currently no house on the proposed parcel.
- Existing culinary water and an old electrical hookup are located on the property. The applicant will need to obtain the appropriate utility connections and install a septic system.
- The property is located along Consol Road.
- The Commission discussed the required road approach/encroachment permit.
- The applicant has had the property surveyed.
- The Recorder's Office noted that additional acreage information was needed on the submitted documentation.
- The applicant was instructed to work with Wacey (J&T), the Recorder's Office, the Road Department, and the Zoning Administrator to complete the remaining requirements.

Motion: Bruce made a motion to approve the Hangin' Beef Minor Subdivision contingent upon completion of all County requirements, including Road Department requirements, and recording of the subdivision with a second by Seth Manning. The motion passed unanimously.

4. Discuss/Approve/Deny: Tucker Family Cemetery

Delana Riley appeared before the Commission requesting approval regarding the Tucker Family Cemetery.

- The cemetery is located on family property between Cleveland and the airport on Airport Road.
- The cemetery has been used by the family since the early 1900s and contains existing graves and fencing.
- The Commission discussed the legal description and requirements for recording the cemetery plat.
- The applicant will work with the Recorder's Office to ensure all required documentation is completed and recorded.

Motion: Laurel made a motion to approve the Tucker Family Cemetery request subject to completion of the required Recorder's Office documentation and recording with a second from Joe. The motion passed unanimously.

5. Discuss/Approve/Deny: Cody Davis Minor Subdivision:

Lisa Davis appeared on behalf of Cody Davis regarding the Cody Davis Minor Subdivision in Green River.

- The property is located on Kings Lane, outside the Green River city limits, and contains approximately 4.06 acres.
- The applicant is seeking to establish the parcel as a legal lot in order to place a new manufactured home.
- The property has existing road access and utilities.
- The existing manufactured home will be removed after the new home is placed.
- The Commission discussed the County's 10-acre minimum and the requirements for existing parcels smaller than 10 acres.
- The Recorder's Office requested a clearer copy of the plat/map.
- The applicant will complete the necessary documentation and recording requirements.

Motion: Bart made a motion to approve the Cody Davis Minor Subdivision with a second from Seth. The motion passed unanimously.

6. Discuss/Approve/Deny: Ordinance updates on solar in Emery County.

The Commission continued discussion regarding proposed updates to the County's solar ordinance.

- Members discussed reviewing House Bill 16 as part of the ordinance review.
- A copy of HB 16 will be distributed to the Commission.
- Members requested adequate time to review the proposed ordinance and HB 16 before the next work meeting.
- A Wednesday at 1:00 p.m. was discussed as a possible time for the work meeting.
- Lee Bunderson, a member of the public, asked whether the work meeting would allow public input or be conducted as a public hearing.

- The Commission explained that the meeting would be a work meeting for the Planning Commission and potentially the County Commission.
- A public hearing will be held once the ordinance is ready to move forward for adoption.
- Members of the public were encouraged to contact individual Planning Commission members with comments or concerns while the ordinance is being developed.
- The Commission discussed balancing protection of the County and community interests with property and constitutional rights.
- The Commission agreed that additional work and review were needed before the ordinance could move forward.

Motion: Seth made a motion to table the solar ordinance update until the next meeting/work meeting with a second from Jessie. The motion passed unanimously.

7. Discuss/Approve/Deny: Recommendations on the Drunkards Wash CUP application from the Planning Staff.

Paul Gascoigne of NADARA, Tom Leahy, President of NADARA, and Michael Hutchings of Holland and Hart, land-use counsel for the project, appeared before the Commission regarding the Drunkards Wash Solar Project.

- NADARA stated this was its third appearance before the Planning Commission regarding the project.
- The Commission previously received a full presentation in June and follow-up information in July.
- NADARA reported continued discussions with the grazing lessee and DWR regarding project impacts.
- NADARA stated that an arrangement had been reached with the Mackleprank grazing lessee and that a letter had been provided to the County.
- DWR has recommended voluntary mitigation related to mule deer and elk winter range.
- NADARA stated that HB 378 establishes a payment of \$1,050 per megawatt for new solar and wind projects in Utah.
- Based on the project's 450-megawatt capacity, NADARA estimated the annual payment to DNR would be approximately \$472,500 for habitat conservation purposes.
- This payment is separate from the voluntary mitigation discussions with DWR.
- DWR's proposed voluntary mitigation was described as replacing four acres for every acre impacted, at an estimated value of \$400 per acre.
- NADARA estimated the potential voluntary mitigation at approximately \$5–\$6.5 million, depending on the final acreage affected.
- NADARA stated it would continue working with DWR and would seek opportunities for mitigation benefits to remain within Emery County, although there was no guarantee the funds would be spent locally.

- The Commission also discussed the electrical interconnection and proposed substation, which will be constructed by PacifiCorp as part of its transmission system.

Drunkards Wash – Project Impacts and Review

- The proposed project is located on SITLA property approximately five to five-and-a-half miles north of Huntington.
- The proposed project area is approximately 3,300 acres.
- The project is approximately two miles from State Highway 10 at its closest point.
- NADARA stated that visibility from the highway would be limited because of the site's location against the mountains.
- The project area already contains oil and gas development, including approximately 19 active gas wells and existing road infrastructure.
- NADARA will be required to coordinate with existing oil and gas operators and accommodate their infrastructure.
- The Commission discussed wildlife impacts, particularly mule deer and elk movement and winter range.
- NADARA stated that DWR had been offered the opportunity to work on a wildlife corridor, but DWR did not pursue that option, indicating that the animals were primarily using the area as habitat rather than moving through the property to another destination.
- Commission members expressed concern that development could alter wildlife movement and potentially push deer and elk toward agricultural fields.
- The Commission discussed whether approval of this project would lead to additional solar development on public lands.
- Members stated that future applications would be considered individually.
- The Commission discussed the financial benefits associated with the project, including estimated personal property tax revenues to Emery County and the school district over the anticipated 20-year period.
- The Commission discussed the possibility of a Community Reinvestment Area (CRA). NADARA stated that the company was open to a CRA but that the County Commission had not yet determined whether a CRA was appropriate.
- The Commission discussed the distinction between property/personal property tax revenue and SITLA lease revenue.
- SITLA lease revenue would be distributed according to SITLA's statewide requirements, while Emery County would receive applicable local property tax revenues.

Planning Commission Discussion and CUP Approval

The Commission discussed its position on the project.

- Several members expressed personal concerns or reservations about the project and its potential impacts to wildlife.
- Members also discussed the County's role if the project proceeded regardless of the Planning Commission's decision.

- It was noted that approval would allow the County to remain involved and have a seat at the table regarding mitigation and other project-related issues.
- The Commission discussed the applicable County ordinances and review requirements.
- Based on the Commission's prior work meetings, information submitted by NADARA, and consultation with County officials and legal counsel, the project was determined to qualify for a **Level II Conditional Use Permit review**.
- The Commission discussed the applicable review criteria, including the County Code, General Plan, neighboring landowners, nuisances, conditions, costs, and benefits.
- NADARA stated that it intends to continue working with the community and wildlife agencies and to be a good neighbor.
- Commissioner Jordan Leonard stated that he does not support the Drunkards Wash Solar Project and that he has expressed this position publicly on multiple occasions. He cited concerns regarding wildlife migration, winter range, and the potential negative impacts the project could have on wildlife in the area. Commissioner Leonard also expressed frustration that the project may proceed regardless of the County's position and stated that, if the project is going to proceed, he would prefer to work with the project proponents to address and mitigate the impacts.

Motion: Bart made a motion to approve the Conditional Use Permit for the Drunkards Wash Solar Project as a **Level II Conditional Use**, with a second from Bruce. The motion passed with **six votes in favor and two votes opposed**.

8. Discussion any other Business:

The Commission discussed the blue ordinance books provided to members.

- Staff explained that several different versions of the County ordinances had been circulating, creating confusion when members referenced different versions during meetings. County staff compiled the ordinances that had previously been approved into one consolidated book. The **August 2026** version was identified as the starting point for future ordinance review.
- The consolidated version will also be uploaded online.
- Members were asked to bring their blue ordinance books to every Planning Commission meeting and work meeting. Members were encouraged to review the ordinances at home and identify outdated provisions, inconsistencies, flaws, or areas that should be updated.
- The Commission discussed the need to update ordinances to address future development and emerging industries, including nuclear projects, data centers, and solar.
- The Commission will begin compiling recommendations for future ordinance updates.
- It was clarified that the blue book is a compilation of ordinances that have previously been approved; the purpose is to establish one consistent reference version going forward.

9. Adjourn:

Joe made a motion to adjourn the meeting with a second from Bart. The meeting was adjourned.

The next meeting will be held September 9th at **1:00 pm**.