



May 21, 2024

UTAH COUNTY PLANNING COMMISSION

STAFF REPORT

I. APPLICATION:

- A. APPLICANT - Quicksilver Solar, LLC
- B. REQUEST - A conditional use request for a proposed solar energy facility as an electrical power generation facility.
- C. LOCATION - Approx. 16000 West 2400 South, Sec. 21, 22, 23, 26, and 27 T7S R2W, Cedar Valley/Soldiers Pass Rd area of unincorporated Utah County.
- D. ZONING - Mining and Grazing (M&G-1) Zone
- E. AREA - Approximately 1496 Acres

II. STAFF SUMMARY:

Applicant Request

The applicant is asking to locate a utility-scale solar power generation facility on the subject property, with a total project area of approximately 1,496 acres. The application indicates the facility will be a 440 MW system. Adjacent to two previously approved sites, Quicksilver I – 1603 acres and Quicksilver II – 1745 acres (approval expiration January 2028).

The application addresses Utah County Land Use Ordinance requirements for an unmanned electrical power generation plant. The application indicates this type of system is comprised of solar photovoltaic panels and other structures and uses incidental to solar power generation including support structures, substations, energy storage facilities, and security fencing around the perimeter of the property. The application included a site plan depicting the general location of the proposed system, along with associated structures and uses.

The applicant has discussed a possible phased installation of the power generation facility, the phased proposal is dependent on the requirements of the "oftaker". The applicant is also requesting an extension of the approval termination date of five years to 2029. The approval termination date is the date by which a conditional use is required to have obtained a permit pursuant to the approved use, the applicant can also request an extension prior to the

expiration date. The termination dates for previous Quicksilver approvals are Quicksilver I – September 2026(5-year extension) and Quicksilver II – January 2028(4-year extension).

The application also addresses implementing a decommissioning plan and bonding (required condition for previous solar facilities), addresses fire safety and protection, the anticipated effects of this facility on adjacent property values (providing a third party consultant to provide a study, and the environmental impacts of the project).

In summary, the applicant is requesting conditional use approval for a utility-scale solar energy facility as an electrical power generation plant in the M&G-1 Zone of Utah County.

Parcel Information

The subject area did consist of ten parcels under the one ownership, those parcels have since been combined into one parcel (59:130:0014) to address issues with agricultural use restrictions. The proposed area comprises approximately 1,496 acres. The present use of the parcel includes agricultural and grazing lands, with the majority of the property being vacant range land. Adjacent uses to the subject property appear to be similar.

There is one parcel (59:130:0006) which is not a part of the planned facility which is surrounded by the proposed facility. Quicksilver has indicated that they have contacted the property owner in an effort to include this property in their proposal. The property owner did not wish to be included, as a result Quicksilver has shown a reserved access road and a 50-foot setback for all generation facilities from adjacent property lines. This 50-foot setback is proposed for any shared boundary with a non-project parcel and surrounding the project site.

The facility is proposed to be unoccupied, the “project will have no dwellings, commercial establishments, manned industrial plants, or other facilities or structures occupied by humans on the Project Site.” If the site is to be unoccupied the facility is not required to have frontage on a qualifying paved road, as per the requirements of UCLUO 4.44.

Lake Mountain Road, an unpaved Class B county road, is the closest road and is adjacent to previously approved solar facility conditional uses, the currently proposed site plan does not show an access road from the site to Lake Mountain Road, however the previously approvals are adjacent to Lake Mountain Road and the applicant has indicated that access to the site could be gained through the previously approved sites. The applicant will be required to provide evidence of an access easement from a qualifying county road to the site at the time a building permit is submitted. The facility will also be required to have an approved fire access road which connects the site to Lake Mountain Road. All access roads to the site are required to meet applicable access road standards as specified by the Utah County Fire Marshal, and Public Works. Road improvements and/or maintenance of County Roads may be required as per applicable standards. The applicant has indicated in their application access roads to Lake Mountain Road will be constructed and is anticipating entering a county road use agreement with Utah County.

The proposed area is adjacent to Fairfield City boundaries but is not currently part of any annexation policy plan, specifically not included in the Eagle Mountain or Fairfield annexation policy plan. These plans are required by state code to show the anticipated areas to be annexed

into their city within the next 20 years.

Parcel Zoning

The property is presently in the Mining and Grazing (M&G-1) Zone. The proposed use of a utility-scale solar photovoltaic power generation facility appears to be consistent with an electrical power generation plant in the M&G-1 zone, which is a permitted conditional use subject to approval by the Utah County Planning Commission under Section 12.28.C.3.

III. APPLICABLE CODES AND ORDINANCES:

The following are ordinances and laws pertaining to this appeal:

1. [U.C.L.U.O. Section 12.28.C.3](#): Identifies an electrical power generation plant as a permitted conditional use in the M&G-1 Zone, subject to the approval by the Planning Commission.
2. [U.C.L.U.O. Section 16.94](#): Contains the rules for hearing and deciding conditional use applications.

IV. STAFF FINDINGS:

1. Section 12.28.C.3 of the Utah County Land Use Ordinance lists an electrical power generation plant as a permitted conditional use in the M&G-1 Zone, subject to approval by the Planning Commission as a conditional use according to the provisions of Section 16.94. The proposed use would appear to be an electrical power generation plant.
2. The application is for a conditional use which the Planning Commission is empowered to approve as per Section 16.94.A.
3. The application appears to meet the requirements of Section 16.94.A, which requires the proposed conditional use to comply with all the terms and requirements of the ordinance. Future monitoring of this requirement will be accomplished through the issuance of a building permit for all applicable structures and uses that has been reviewed and approved by all appropriate departments. All applicable structures and uses will be required to meet all applicable setback requirements. The application indicates the proposed use will not be a manned site or have any occupied structures which would require frontage along a paved public road.
4. A completed application was submitted April 22, 2024 as per Section 16.94.B.
5. The application appears to meet the requirements of Section 16.94.C, which requires the proposed conditional use to not degrade the public health, safety, or welfare and support the Utah County General Plan.
 - The proposed use is located in a remote location on a large parcel of property. The facilities associated with the use will have restricted access due to the site being completely enclosed by a fence.
 - The proposed use is for the purpose of generating utility-scale energy from a renewable source, which would appear to be a long-term benefit to the public.

- The application indicates the proposed use will present no degradation to public health, safety, and welfare related to viewshed, wildlife and natural vegetation, noise, and emissions.
- The proposed use appears to meet the general purposes and intent of the ordinance, as specified in Section 1.08. Specifically, it would promote efficient and economical utilization, conservation, and production of natural resources (Section 1.08.C) and it would facilitate adequate provision for a general public need (Section 1.08.E).
- This conditional use would appear to be consistent with the purposes and intent of the M&G-1 Zone, by promoting the conservation of water, land, mineral, and other resources, and by providing a location for the development of adequate public facilities to match private development.

V. STAFF RECOMMENDATION:

That the Utah County Planning Commission **approve** conditional use application (CU2024-01) a request for a solar energy facility as an electrical power generation plant, located at approximately 16000 West and 2200 South in the Cedar Valley area of unincorporated Utah County, subject to staff findings included in the Section IV of staff report and the following minimum conditions:

1. That the Planning Commission finds that the conditional use meets the standards found in Section 16.94.C.1 through C.20 of the Utah County Land Use Ordinance.
2. That building permits or other applicable land use permits for all applicable proposed structures and uses be obtained that meet all applicable zoning, building, health, and fire-safety requirements, including applicable setback requirements.
3. That construction and use of the facility comply with all applicable local, state, and federal regulatory standards, including the National Electric Code, as amended. This includes, but is not limited to, regulations related to any applicable threatened or endangered species, along with any impacts to historic, cultural, and archaeological resources.
4. That the facility be constructed and operated in compliance with all applicable requirements of the Federal Aviation Administration (FAA), particularly as it relates to potential solar glare impacts.
5. That the applicant submit and receive approval from the Utah County Engineer of any applicable Storm Water Pollution Protection Plan (SWPPP) and land disturbance permit prior to the issuance of any permits for the establishment of the solar energy facility.
6. That a signed access agreement be provided prior to the issuance of any permits for the establishment of the solar energy facility that provides for site access and maintenance across any parcels not adjacent to a public road.
7. That any road improvements and/or maintenance of County Roads be completed and approved by the Public Works Department or applicable agency required as per applicable standards.

8. That all structures be removed from the property if the site's use as a solar energy facility is ever abandoned for more than one (1) year. A decommissioning plan shall be provided prior to the issuance of any permits for the establishment of the solar energy facility. The decommissioning plan shall include provisions for the removal of all structures, foundations, electrical equipment, internal or perimeter access roads, restoration of soil and vegetation of disturbed areas, along with a plan ensuring financial resources will be available to fully decommission the site.
9. That the termination date for obtaining a permit pursuant to this approval be set as May 21, 2029.