



May 21, 2024

UTAH COUNTY PLANNING COMMISSION

STAFF REPORT

I. APPLICATION:

- A. APPLICANT** - Mosida Solar, LLC
- B. REQUEST** - Proposed Utah County Land Use Ordinance text amendment to Section 12.64.J to remove location restrictions for solar energy collection and storage systems; and energy distribution operations and facilities in the Goshen Valley Planned Community (P-C) Zone.
- C. LOCATION** - Unincorporated Utah County

II. STAFF SUMMARY:

Background

The Goshen Valley Planned Community (P-C) Zone was adopted in 2009 “in recognition of the desirability of holistic long-range planning within the area of the Goshen Valley Specific Area Plan portion of the Utah County General Plan”. The P-C Zone is intended to “establish a process to plan the potential capacity, intensity, and general types of uses early in the planning process for large-scale developments”, while allowing flexibility to respond to changes in market forces and technology over long build-out periods, with provision for allowance of interim uses, such as agriculture and mining”.

Section 5-17-J of the Utah County Land Use Ordinance identifies certain uses to be allowed prior to, and during, buildout of the P-C Zone. These uses include, but are not limited to, legally existing uses, agricultural uses, mining and extraction uses, and temporary motion picture and television production facilities. Many of these uses require approval as a conditional use by the Utah County Board of Adjustment.

In April of 2020, Farmland Reserve submitted an application, which was approved, to allow “solar energy collection and storage systems”, along with “energy distribution operations and facilities” as conditionally permitted uses allowed prior to, and during, buildout of the P-C Zone. This amendment limited the area solar facilities could be permitted in the P-C Zone to east of State Route 68 and within Township 9 South, Range 1 West.

Applicant Request

The applicant, Mosida Solar, LLC, has applied to amend the Utah County Land Use Ordinance (UCLUO) Section 12.64.J. The proposed changes will remove the location restriction for solar facilities within the PC Zone. The applicant stated in their application that all conditional use permit requirements and approvals would not be changed, allowing the Planning Commission “the opportunity to mitigate any reasonably anticipated detrimental effects of such development on the surrounding area.”

III. ORDINANCE CHANGES

12.64 Goshen Valley Planned Community (P-C) Zone

- J. Existing Uses: It is anticipated that buildout of an area designated as P-C Zone will occur over many years. Therefore, existing legal uses may continue within the P-C Zone after rezoning to P-C. In addition, uses may be conducted within the P-C Zone in accordance with the requirements of the A-40 zone prior to, and if not inconsistent, after the approval of a Community Structure Plan for an area. The following uses shall also be permitted prior to approval of a Community Structure Plan for an area, if approved as a conditional use: mines (underground and open pit); sand, gravel, topsoil and earth-products pits; the attendant screens, rock crushers, stockpiles, and waste dumps located within the bonded boundary of the mine or pit; and other ancillary uses; temporary motion picture and television locations and related uses incidental to film and television production; solar energy collection and storage systems; and energy distribution operations and facilities; ~~provided, however, that such solar operations are conducted within the area designated as all of the real property located within the P-C Zone east of State Route 68 and within Township 9 South, Range 1 West, SLM~~, all subject to the provisions of UCLUO 4, UCLUO 6, and UCLUO 8. Upon approval of a Community Structure Plan, that Community Structure Plan and accompanying Development Standards may specify under what terms agricultural, temporary film locations and related uses, mining uses, solar energy collection and storage systems, and energy distribution operations and facilities may continue, if at all, on the property subject to the Community Structure Plan. The County Commission may require, as a condition of approval of a Community Structure Plan, buffers, transitions, alternate access routes, or other measures to ensure compatibility with adjacent interim uses.

IV. APPLICABLE ORDINANCES & STATUTES:

1. [U.C.L.U.O. Section 1.08](#): Intent and Purpose: identifies the intent and purpose of the Ordinance.
2. [U.C.L.U.O. Chapter 12.64 Goshen Valley Planned Community \(P-C\) Zone](#): The purposes and intent of the PC Zone, along with the permitted uses and other general requirements of the zone.
3. [U.C.L.U.O. Section 16.92](#): The "Powers and Duties of the Planning Commission" includes regulations for large scale subdivision approval and land use ordinance amendments.
4. [U.C.L.U.O. Section 16.96](#): "Powers and Duties of The County Commission" includes regulations for large scale subdivision approval and land use ordinance amendments.
5. [U.C.L.U.O. Section 16.100](#): Amendments To Ordinance And Map.

V. STAFF FINDINGS:

1. The application for land use ordinance amendment would appear to meet the requirements of Section 16.92.C and Section 16.100 of the Utah County Land Use Ordinance, which establish the criteria for Planning Commission recommendation of approval to the County Commission for a land use ordinance amendment.
2. The application appears to be supportive of the stated intent and purpose of the Utah County Land Use Ordinance by promoting the efficient utilization of land, water and other resources and facilities, and providing property owners greater flexibility in the utilization of their property, and the application appears to be consistent with the intent of the P-C Zone to allow interim uses which are compatible with the historical use of land in the P-C Zone, while preserving areas for future development contemplated by the planning and build-out process of the P-C Zone.

VI. MOTIONS:

Approval

That the Utah County Planning Commission **recommend approval** of the proposed text amendments to Utah County Land Use Ordinance Section 12.64.J, removing location restrictions for solar energy collection and storage systems; and energy distribution operations and facilities in the Goshen Valley Planned Community (P-C) Zone based on the findings listed in section V of the staff report along with any applicable re-numbering and re-formatting.

Denial

That the Utah County Planning Commission **recommend denial** to the Utah County Commission of the proposed Utah County Land Use Ordinance text amendment to Sections 12.64.J.