

UTAH COUNTY PLANNING COMMISSION

**Minutes
September 16, 2025**

Present:

Shayne Pierce
Seth Cox
Karen Ellingson
Sullivan Love
Robert McMullin
Chris Herrod
Lorraine Davis

Excused:

Glen Roberts

Also Present:

Bryce Armstrong
Greg Robinson
Marie Patten
Dale Eyre

A. CALL TO ORDER

Shayne Pierce 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. APPROVAL OF MINUTES

Motion: Robert McMullin Second: Sullivan Love

Motion to **approve** the minutes of the August 19, 2025, meeting of the Utah County Planning Commission. The motion passed with the following vote: "Aye" Shayne Pierce, Seth Cox, Karen Ellingson, Sullivan Love, Robert McMullin, Chris Herrod. "Nay" none.

C. CONDITIONAL USE APPLICATION(S)

- 1. Richard Bardauskas for PacifiCorp - Application #CU2025-05 - Request for conditional use for a 345 kV electric power transmission line. This application only covers the portion of the 48-mile-long project located in the unincorporated area of Utah County between the Spanish Fork Substation (Mapleton) and the Mercer Substation (Eagle Mountain) (item continued from the August 19, 2025, Planning Commission meeting)**

Bryce Armstrong explained that the applicant had requested a continuance, which should have been forwarded to the commission's emails. He noted that the applicant might want to address the request directly.

Shayne Pierce clarified for those in attendance that continuing meant postponing the decision until the next month to allow more time for information gathering.

Bryce Armstrong confirmed that a continuance meant moving the matter to a specific date chosen by the commission, whether the next month or later.

Shayne Pierce invited the applicant to speak.

John Hutchings, representing Rocky Mountain Power, requested a 60-day continuance instead of 30, asking to move the decision to November. He also requested that the statutory 60-day requirement to approve or deny the application be tolled during the continuance.

Shayne Pierce restated that the request was to continue until November 18th and to pause the statute.

John Hutchings confirmed that it was correct.

Karen Ellingson asked if they were allowed to do that.

Dale Eyre confirmed they were, explaining that due to last month's action, the 60-day period was already being tolled.

Shayne Pierce summarized the request and asked for any questions or a motion from the commission.

Robert McMullin asked when the 60-day period would begin.

Dale Eyre explained that it would begin once the commission made a decision regarding whether the utility company had satisfied notification requirements, noting that last month the Planning Commission withheld a decision until proof was provided..

Motion: Karen Ellingson Second: Robert McMullin

Motion to **continue** item until the November 18, 2025, meeting, incorporating a pause on the 60-day time limit that is contained in the Utah Statute for an approval or denial of a conditional use permit. The motion **passed** with the following vote: "Aye" Shayne Pierce, Seth Cox, Karen Ellingson, Sullivan Love, , Robert McMullin. "Nay" none.

- 2. Richard Mickelsen for TSSD - Application #CU2025-07 - Request for conditional use for a proposed primary treatment facility as part of an existing sewage treatment plant, which exceeds 40 feet in height in the Public Facilities (PF) Zone. Located at approximately 5135 West 6400 South, Section 36, T5S R1E, Pleasant Grove/Lindon area of unincorporated Utah County**

Sullivan Love recused himself due to his role on the TSSD board.

Greg Robinson presented the staff report, explaining that the request was for a primary treatment facility building to exceed the 40-foot height limit, up to 75 feet. He noted that expansions were previously approved in 2023 for digesters up to 130 feet and silos up to 90 feet. He clarified the site's zoning context, mentioning adjacent American Fork and Lindon zoning designations, which included industrial and commercial uses. He added that no objections had been received and that staff found the request consistent with ordinance requirements.

Shayne Pierce asked questions about zoning maps and city boundaries.

Greg Robinson explained the details of Lindon City's zoning, existing uses, and annexation status. He confirmed that the staff recommended approval of the request.

Richard Mickelsen, district manager for TSSD, stated that the district served most of northern Utah County except Lindon. He explained that the purpose of the request was to enclose processes that normally vent odors, which would improve odor control. He added that the board was investing significantly in this solution. When asked about existing tall structures, he noted that there were nearby multi-story buildings, power poles, and a cell tower that had recently been removed from the property.

Karen Ellingson asked about capping existing structures and additional approvals.

Richard Mickelsen clarified that this was a new process to extract organic material, send it to digesters, and generate renewable natural gas. He confirmed that approvals had already been obtained in 2023 and no further conditional use approvals were required.

Greg Robinson confirmed that only standard building and/or land-use permits would be needed moving forward.

Shayne Pierce confirmed there were no further questions.

Richard Mickelsen thanked the commission.

Motion: Chris Herrod

Second: Karen Ellingson

Motion to **approve** the application, subject to staff findings included in the staff report and additional conditions 1 through 3. The motion **passed** with the following vote: "Aye" Shayne Pierce, Seth Cox, Karen Ellingson, Sullivan Love, Robert McMullin, Chris Herrod. "Nay" none.

D. OTHER BUSINESS

- 1. Take action on proposed Utah County Planning Commission Resolution No. 2025-01 to replace Resolution No. 2013-01 for Rules of Conduct for Public Hearings and Meetings.**

Sullivan Love rejoined the meeting.

Lorraine Davis asked for clarification on what the resolution would do compared to prior rules.

Bryce Armstrong explained that the old resolution required the commission to accept public comment during meetings, which raised concerns about liability and disruptions. The proposed resolution would instead allow general public comment at the end of meetings, mirroring county commission practice, while preserving mandatory public hearings for legislative items. He noted that additional language had been added regarding media submissions, such as video links.

Shayne Pierce summarized that the change would reduce liability risk by ensuring decisions were not swayed by improper comments while still recording public views. He acknowledged some disappointment from the public but emphasized the legal and procedural benefits.

Chris Herrod asked if the resolution would alter how the November meeting would run.

Seth Cox replied that no additional hearing was required since one had already been held and sufficient comment had been received.

Shayne Pierce asked about which items required hearings.

Bryce Armstrong clarified that conditional use permits, such as those addressed that evening, did not require public hearings under state law so that future comments would be moved to the end of meetings as general public comment.

Chris Herrod raised concerns about public perception, noting conspiracy theories and the risk that the timing of the change might appear as an attempt to limit public input. He stressed the importance of transparency and public trust.

Karen Ellingson pointed out that written comments and emails would still be accepted, maintaining communication channels.

Shayne Pierce confirmed that written submissions received before the meeting deadline would still be distributed for review.

Seth Cox emphasized that the commission retained discretion to invite public comment if needed.

Dale Eyre explained that, unlike the 2013 resolution, this proposal restored commission discretion and reduced legal risks.

Bryce Armstrong and **Seth Cox** noted the benefits of receiving written comments ahead of meetings, which allowed for preparation and better decision-making.

Bryce Armstrong suggested strengthening notice language to make it clearer how the public could provide input.

Karen Ellingson suggested clarifying agenda notices to explicitly identify which items had hearings and which did not.

Dale Eyre added that under the new resolution, the agenda would conclude with a public comment period, similar to the county commission's structure.

Lorraine Davis expressed confusion about forming opinions from written submissions while being discouraged from forming opinions from live comments. She questioned whether the process misled the public into thinking their comments could sway decisions.

Bryce Armstrong clarified that conditional use reviews were limited to mitigating adverse effects already defined by ordinance.

Chris Herrod stressed that written submissions ensured transparency and equal footing for both sides.

Lorraine Davis reiterated her concern that, in the recent controversial meeting, if the new resolution had been in place, the commission might have reached the same decision, but without hearing the full scope of public concerns.

Bryce Armstrong replied that the unique circumstances of that corridor project involved extra notification requirements, but that written comment still would have sufficed.

Seth Cox noted that his own decision had not been changed by public comment at that meeting, as he had already reviewed the issues beforehand. He emphasized that the new rules still allowed for discretion to hear from the public if needed.

Chris Herrod argued that while public comment did not change outcomes, it often eased tensions and left participants less bitter.

Lorraine Davis asked how this would look under the new system.

Shayne Pierce clarified that the public would still be notified about opportunities to submit comments.

Bryce Armstrong confirmed that backup materials would be made available on the website for public review. He and Seth Cox suggested that the new rules would make meetings shorter and more efficient without eliminating public input.

Dale Eyre added that the removal of the sign-up sheet for every agenda item would reduce unhelpful and irrelevant testimony.

Karen Ellingson agreed this would eliminate much confusion.

Dale Eyre explained that separate sign-up sheets would still be used for statutorily required public hearings.

Sullivan Love asked about liability issues in hearings versus after meetings.

Dale Eyre clarified that legislative hearings carried no liability, while administrative items were at risk if improper comments swayed decisions.

Chris Herrod observed that the statutory 60-day rule protected applicants by ensuring timely decisions, noting that Rocky Mountain Power had actually benefited from the commission's continuation.

Lorraine Davis argued that continuations could also help educate the public.

Chris Herrod responded that while practical politics sometimes required hearing both sides, conspiracy theories would always persist regardless of process.

Karen Ellingson added that no set of rules could satisfy everyone, so the commission should focus on fairness and balance.

Shayne Pierce asked about the procedure for hearing from the public outside of required public hearings.

Dale Eyre explained that a commissioner would need to make a motion, and the body would vote to allow it. Pierce confirmed this process as an important context.

Lorraine Davis clarified that commissioners just needed to know they could make that motion.

Chris Herrod asked whether this raised liability.

Dale Eyre responded that it was actually safer than the current approach.

Karen Ellingson stressed the importance of fairness, noting that unrestricted public comment disadvantaged applicants who could not expand their representation mid-process.

Chris Herrod asked about procedural rules.

Dale Eyre confirmed that the commission followed Rosenberg's rules of order.

Chris Herrod proposed a friendly amendment to incorporate Karen Ellingson's comments on strengthening notice policies.

Bryce Armstrong confirmed staff would make notice requirements clearer related to public input.

Robert McMullin supported this addition.

The amendment and resolution were seconded and approved unanimously.

Motion: Robert McMullin

Second: Seth Cox

Motion to **adopt** the resolution. The motion **passed** with the following vote: "Aye" Shayne Pierce, Seth Cox, Karen Ellingson, Sullivan Love, Robert McMullin, Chris Herrod. "Nay" none.

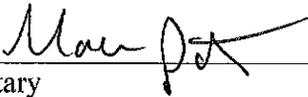
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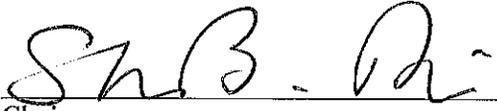
The meeting was adjourned at 06:30 PM.

Utah County Planning Commission
September 16, 2025

Minutes respectfully submitted by:

APPROVED BY:


Secretary


Chair

