

ORDINANCE NO. O-252026

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH,
ENACTING EAGLE MOUNTAIN MUNICIPAL CODE CHAPTER 17.64
ESTABLISHING AN ALTERNATIVE ENERGY OVERLAY ZONE

PREAMBLE

WHEREAS, the City Council of Eagle Mountain City, Utah, finds that reliable and diverse energy resources are important to the continued growth, economic development, and public welfare of Eagle Mountain City; and

WHEREAS, the City Council finds that the establishment of an Alternative Energy Overlay Zone will provide a framework for the consideration of alternative energy generation facilities while ensuring that such facilities are reviewed for compatibility with surrounding land uses, public health, safety and welfare; and

WHEREAS, the City Council further finds that the Alternative Energy Overlay Zone is intended to provide for the development and operation of energy projects that will help meet the growing energy demands of the City, increase the City's tax base, and provide employment opportunities for the City's residents; and

WHEREAS, the City Council finds that the Alternative Energy Overlay Zone is intended to enhance energy diversification and reliability, promote emergency resilience, and mitigate local and cumulative impacts through reasonable safety and hazard reduction standards; and

WHEREAS, the City Council finds that the Alternative Energy Overlay Zone is intended to provide a legislative framework that may be applied in appropriate locations through future legislative action, and that the adoption of the overlay zone does not designate or apply the overlay to any property at the time of adoption; and

WHEREAS, the City Council finds that development within the Alternative Energy Overlay Zone should be subject to reasonable standards and conditions, including demonstration that all applicable federal, state, and local permits and approvals have been obtained or will be obtained prior to development, as required by law.


NOW THEREFORE, BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. Eagle Mountain Municipal Code Chapter 17.64, entitled "Alternative Energy Overlay Zone," is hereby enacted as set forth in Exhibit A, which is attached hereto and incorporated herein by this reference.
2. The City Council has considered the impact of this Ordinance on and found it consistent with family health, stability, and formation as required by Utah law.

3. This Ordinance shall take effect upon its first publication or posting.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 7th day of July, 2026.

EAGLE MOUNTAIN CITY, UTAH



Jared R. Gray, Mayor

ATTEST:



Lacie A. Messerly
City Recorder



CERTIFICATION

The above Ordinance was adopted by the City Council of Eagle Mountain City, Utah on the 7th day of July, 2026.

Those voting yes:	Those voting no:	Those excused:	Those abstaining:
<input checked="" type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark
<input checked="" type="checkbox"/> Zachory Huish	<input type="checkbox"/> Zachory Huish	<input type="checkbox"/> Zachory Huish	<input type="checkbox"/> Zachory Huish
<input checked="" type="checkbox"/> Craig Whiting	<input type="checkbox"/> Craig Whiting	<input type="checkbox"/> Craig Whiting	<input type="checkbox"/> Craig Whiting
<input type="checkbox"/> Rich Wood	<input checked="" type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood
<input checked="" type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright





Lacie A. Messerly
City Recorder

Posted on 7/9/2026 by SA.

Exhibit A

Chapter 17.64

ALTERNATIVE ENERGY OVERLAY ZONE

Sections:

- 17.64.010 Purpose.
- 17.64.020 Definitions.
- 17.64.030 Application for rezoning.
- 17.64.040 Special approval process.
- 17.64.050 Land use table.
- 17.64.060 Temporary uses.
- 17.64.070 Battery Energy Storage Systems.
- 17.64.080 Geothermal Power Plants.
- 17.64.090 Natural Gas Power Plants.
- 17.64.100 Small Modular Reactor Facilities.
- 17.64.110 Solar Energy Projects.
- 17.64.120 Development standards.
- 17.64.130 Building facade architectural standards.

17.64.010 Purpose.

The alternative energy overlay zone (AEOZ) is intended to provide for the development and operation of energy projects that will help meet the growing energy demands in the city, increase the tax base, and/or provide jobs for the city's residents. Further, the AEOZ seeks to enhance energy diversification and reliability, promote emergency resilience, and mitigate local and cumulative impacts through reasonable safety and hazard reduction standards. The AEOZ may be used in conjunction with the regional technology and industry (RTI) overlay zone. The standards and processes of the base or underlying zone shall be applicable unless modified or replaced by the RTI as described in EMMC Chapter 17.48 or as modified or replaced by this chapter. In the event of a conflict between this chapter, the RTI, and/or the underlying zone, the order of precedence shall be the following: 1) AEOZ, 2) RTI, and 3) underlying zone.

17.64.020 Definitions.

As used in this chapter:

“Abandonment” means the cessation of active operations, maintenance, or energy generation of an Alternative Energy Project, or any component thereof, such that the facility or improvement remains non-functional or inoperative for a continuous period of one (1) year. A facility shall not be considered abandoned if the period of nonuse is the result of an emergency or force majeure event, scheduled maintenance or repairs, repowering, curtailment by an end user or transmission provider, or any other planned or documented temporary suspension of operations by the owner or operator.

“Alternative Energy Project” means one of the following:

- a. Battery Energy Storage System

- b. Geothermal Power Plant
- c. Natural Gas Power Plant
- d. Small Modular Reactor Facility
- e. Solar Energy Project

“Ancillary Building” means a subordinate structure associated with and supporting an Alternative Energy Project, which is not itself a principal generating, storage, or reactor unit. Ancillary Buildings include, but are not limited to, control rooms, switchgear buildings, inverter or power conversion buildings, maintenance shops, monitoring facilities, security structures, administrative offices, and enclosures that house related mechanical or electrical equipment necessary for the operation of the project.

“Battery Energy Storage System(s) (BESS)” means one or more devices, assembled together, capable of storing energy in order to supply electrical energy at a future time, not to include a stand-alone 12-volt car battery or an electric motor vehicle, together with all Battery Energy Storage System Facilities. A battery energy storage system may be comprised of more than one storage battery technology in a room or enclosed area and may include Power Lines and backup diesel generators.

“Battery Energy Storage System (BESS) Facilities” means all related equipment, devices, associated appurtenances and facilities, such as transformers, substations, electric power transmission and distribution lines of any capacity, and any related site improvements and other ancillary buildings and equipment used in connection with or to facilitate the storage, transmission, delivery or furnishing of the electric energy stored in a Battery Energy Storage System.

“Electrical Substation” means a facility containing electric supply equipment for the purpose of switching, regulating, transforming, or otherwise modifying the characteristics of electricity, including electrical equipment, such as transformers, circuit breakers, voltage regulating equipment, buses, switches, and other ancillary buildings and equipment.

“Geotechnical Report” means a detailed engineering study evaluating subsurface soil, rock, and groundwater conditions to inform design and construction.

“Geothermal Energy” means energy generated by Geothermal Resources that are contained in the earth.

“Geothermal Power Plant” means a facility that uses Geothermal Resources to produce electricity including through the use of a Generating Unit. A Geothermal Power Plant may include Electrical Substations, Power Lines, and other ancillary equipment.

“Geothermal Resource” means the following: (1) the natural heat of the earth at temperatures greater than 120 degrees centigrade; and/or (2) the energy, in whatever form, including pressure, present in, resulting from, created by, or which may be extracted from that natural heat, directly or through a material medium.

“Generating Unit” means equipment used to convert heat provided by Geothermal Resources into electricity consisting of an evaporator, condenser, turbine, induction generator, cycle-pump, system controls, control valves, piping and other ancillary buildings and equipment used to convert Geothermal Resources into electricity, including but not limited to components of a dry steam, binary cycle, or flash steam system.

“Hazardous Materials” means any substance designated as a hazardous material under 49 C.F.R. 172.101.

“Microreactor” means a single, standalone advanced nuclear reactor with a nameplate electrical generating capacity of fifty (50) megawatts or less that is designed for independent operation without reliance on shared reactor systems, shared balance of plant infrastructure, or shared site licensing with any other reactor unit.

“Microreactor Installation” means any site, parcel, or group of contiguous or adjacent parcels under common ownership or common operational control that contains one or more microreactor units. A Microreactor Installation containing more than one reactor unit shall be treated as a Small Modular Reactor Facility for all regulatory and capacity-calculation purposes, regardless of the individual nameplate capacities of the units.

“Natural Gas Power Plant” means a facility designed and used for converting natural gas into electricity, together with all ancillary buildings and equipment systems and infrastructure for cooling, emissions controls, and the delivery, including, without limitation, transmission and distribution pipelines, and storage of natural gas. A Natural Gas Power Plant does not include facilities for the extraction or refinement of natural gas but may include Electrical Substations and Power Lines.

“Power Lines” means transmission and/or distribution lines (of any capacity), wires, conductors, structures, towers, and cables, together with ancillary systems (such as, without limitation, switchgear, transformers, and control systems), and all related equipment and fixtures used in the transmission of electric power. Power Lines do not include Electrical Substations.

“RTI” means the Regional Technology and Industry overlay zone as described in Eagle Mountain City Code Chapter 17.48.

“Seismic Hazard Assessment” means an analysis of the likelihood and potential impacts of earthquakes and related ground failures at the proposed site.

“Small Modular Reactor Unit” means an individual nuclear fission reactor designed to generate up to three hundred (300) megawatts of electricity per module, consistent with definitions used by the U.S. Nuclear Regulatory Commission and the International Atomic Energy Agency. A small modular reactor unit is factory-fabricated and intended to be deployed as a modular component that may operate independently or as one of multiple units within a larger nuclear generating installation. It does not include reactor designs that rely primarily upon water for cooling such as Pressurized Water Reactors (PWRs), Boiling Water Reactors (BWRs), Light Water Reactors (LWRs), Pressurized Heavy Water Reactors (PHWRs).

“Small Modular Reactor Facility” means a nuclear power installation containing one or more small modular reactor units located on the same site within a shared security perimeter, under common operational control, or interconnected through a common balance-of-plant system. Multiple small modular reactor units deployed together shall be treated as a single Small Modular Reactor facility for regulatory and capacity-limit purposes, regardless of the number of reactor units or their individual capacities. Small Modular Reactor Facilities include all ancillary systems and infrastructure for the balance of the plant facility, including cooling, fuel storage, Electrical Substations, Power Lines and other ancillary buildings and equipment.

“Solar Energy Project” means a project that generates electric energy by converting sunlight, whether by solar devices or other conversion technology, for the sale, delivery, transmission, or consumption of the generated energy by one or more end-users or by an end-user other than the owner or operator of the property on which the solar energy system is constructed and operated. A Solar Energy Project may include one or more Battery Energy Storage Systems, Electrical Substations, Power Lines and other ancillary buildings and equipment.

“Water Use Assessment” means detailed estimates of water withdrawal, consumption, and return flows for all phases of the project, including drilling, operation, and cooling. This should specify sources (e.g., groundwater, surface water, municipal supply) and quantify expected volumes.

17.64.030 Application for rezoning.

A. Eligibility. Only property owners or their duly authorized agent shall make application for a rezoning of property on forms prepared by the Planning Director. No rezoning of property shall be processed without the submission of the application, all the supporting materials required by this chapter, and the processing fee. Incomplete applications shall not be processed under any circumstance.

B. Development Agreement. Prior to or concurrent with any rezone approval, the applicant must enter into a development agreement or amend an existing development agreement with Eagle Mountain City governing which types of Alternative Energy Projects will be allowed, site use designations for each parcel, buffering and setback requirements, and any other restrictions being placed on the development to ensure that the development furthers the purposes of this chapter. All approvals from the City Council applying the AEOZ to a property shall be contingent upon the execution or amendment of the development agreement. No right to develop under the AEOZ shall vest within the meaning of Utah common law or Utah Code Annotated Section 10-9a-509, as amended, until the development agreement is executed or amended.

C. Supporting Materials. The rezoning of property application shall be submitted with the materials listed in this section. The Planning Director and Planning Commission may determine and require that additional items not listed herein be submitted in order to evaluate the proposed rezoning application. If the applicant believes that some of the required supporting materials are not applicable, then they may submit a written statement to identify and clarify why they believe these materials are not needed for review of the project. Upon review of this statement, the Planning Director may approve the waiving of certain materials that are not found to be applicable to the project. The following materials must be submitted with a complete application, unless otherwise waived as allowed herein. The number of hard copies and electronic copies, as well as the appropriate format of each, will be determined by the Planning Director.

1. Legal Description. A legal description of the property.
2. Vicinity Map. A vicinity map showing the approximate location of the subject parcel with relation to the other major areas of the city.
3. Existing Conditions. A map showing the existing physical characteristics of the site including waterways, geological information, fault lines, general soil data, and contour data at two-foot intervals.
4. Narrative. A project description, including the type(s) of energy facility(ies) being proposed.
5. General Plan Compliance. A compatibility statement in an acceptable format that demonstrates that the proposed rezone complies with the general plan.
6. Preliminary site, utility, and transportation plan.
7. Anticipated permitting timeline.
8. A Water Use Assessment, unless waived.
9. A list of any and all water rights which may be appurtenant to or used upon and in connection with the Alternative Energy Project.
10. Any other materials requested by the Planning Director or required under the AEOZ site plan process.

D. Criteria for Approval. The rezone application shall not be construed as an absolute right upon submission of an application and does not require the approval body to take action based upon findings of facts. In addition to any other criteria that may be relevant, the City Council in determining whether to rezone a property to apply the AEOZ shall consider the following:

1. Compliance with General Plan. The requested zones are consistent with the land uses shown on the general plan's future land use and transportation corridor map and comply with the policies and provisions of the city general plan.
2. Compatibility Determination. The proposed uses will be reasonably compatible with adjacent land uses. The project has been designed, sited, and conditioned to minimize adverse visual, noise, environmental, or traffic impacts on adjacent properties, especially residential uses.
3. City Services. The proposed use can be accommodated with public services and will not overburden the city's service capacity.
4. Traffic Generation. Traffic generation by the proposed use is within capabilities of streets serving the property.
5. Property Values. The proposed use is not expected to have a significant negative impact on surrounding property values.

6. Contributes to Local or Regional Energy Generation. The project shall be designed to generate, store, or transmit electrical energy that will serve Eagle Mountain City facilities, residents, development in the RTI Overlay or businesses directly and/or contribute to the regional power grid in a way that advances the City's energy independence, sustainability goals, or emergency resilience.

17.64.040 Special approval process.

A. Applicability.

1. Standard Alternative Energy Projects. Except as provided in subsections 2 and 3, any Alternative Energy Project that is designed to generate at least twenty-five (25) megawatts of electricity within a single phase of development shall follow the AEOZ special approval process established in this section. All other projects shall follow the approval process outlined in Chapter 17.100 EMMC and other applicable chapters.

2. Small Modular Reactor Facilities. Due to the scope, federal licensing requirements, emergency planning needs, and potential cumulative impacts associated with nuclear generating facilities, all Small Modular Reactor Facilities, regardless of generating capacity, shall follow the AEOZ special approval process. In addition, the City may require submission, timing, and sequencing of materials to be coordinated with applicable State and U.S. Nuclear Regulatory Commission licensing and permitting milestones.

3. Microreactor Installations. A microreactor operated as a single, stand-alone Microreactor Installation shall follow the AEOZ standard site plan approval unless its generating capacity equals or exceeds twenty-five (25) megawatts, in which case it shall follow the AEOZ special approval process. Any Microreactor Installation that contains more than one reactor unit shall be treated as a Small Modular Reactor Facility for purposes of this Section.

B. Process Requirements.

1. AEOZ Site Plan Application. Following approval of a development agreement, project applicants shall submit a complete AEOZ site plan application (required) and a final plat application (if subdividing property as part of the project).

2. Development Review Committee ("DRC") Review. Upon receipt of a complete application, the DRC shall review all aspects of the application and provide the applicant with initial required changes within ten business days. The DRC shall provide feedback or a final decision within ten business days of each submittal or resubmittal and may approve the application with conditions to be completed during construction or require resubmittal with changes prior to approval.

a. The DRC is chaired by the Planning Director, or his/her designee, and includes, at a minimum, the city attorney, the department heads or an assigned representative from public utilities, engineering, community development, and a representative of Unified Fire Authority. The city council member that is appointed as the board liaison to the DRC will serve as DRC liaison for projects within the AEOZ. The Planning Director shall have authority to issue decisions or approvals on behalf of the DRC after consulting with the DRC members.

3. Grading and Excavation. A permit for grading and excavation may be issued, at the applicant's risk, prior to site plan approval by the DRC.

4. Approval Authority. AEOZ site plans and final plats are administrative applications, and the DRC has final approval authority for AEOZ applications. No public hearings are required. The DRC's decision shall not be considered a final land use decision until all administrative appeal rights under subsection B(6) have expired or been exhausted.

5. Nuclear Licensing Sequencing. For Small Modular Reactor Facilities and Microreactor Installations subject to the AEOZ special approval process, the timing and sequencing of DRC review and City approvals shall be coordinated with applicable federal and state licensing milestones as follows:

a. An AEOZ site plan application for a Small Modular Reactor Facility or Microreactor Installation subject to the special approval process may not be deemed complete until the applicant has submitted evidence of formal acceptance for review by the U.S. Nuclear Regulatory Commission ("NRC") of a license or permit application, or other authorization request, under an applicable NRC licensing framework, including but not limited to:

1. An application submitted pursuant to 10 C.F.R. Part 50 (Domestic Licensing of Production and Utilization Facilities), including a Construction Permit application or other Part 50 authorization applicable to the proposed facility;
2. An application submitted pursuant to 10 C.F.R. Part 52, including an Early Site Permit, Combined License, or similar authorization; or
3. An application submitted pursuant to 10 C.F.R. Part 53 (Licensing and Regulation of Advanced Nuclear Reactors), or any successor or equivalent advanced reactor licensing pathway.

Evidence of acceptance shall consist of written confirmation from the NRC that the application has been docketed, accepted for review, or otherwise formally acknowledged as meeting the NRC's administrative completeness requirements under the selected licensing pathway. These requirements only apply to the AEOZ site plan process and do not restrict the ability to apply and receive approval for the AEOZ to be applied to a property.

b. No approval of an AEOZ site plan shall be issued until the NRC has completed its environmental scoping determination of the project, or the applicant has demonstrated to the DRC's reasonable satisfaction that they met any equivalent milestone under the applicable licensing pathway.

c. No building permit shall be issued for any nuclear-related structure until the City has received satisfactory evidence that the NRC has issued either:

1. A construction permit, or

2. A combined license authorizing construction.

d. The City may require additional submittals, updates, or revisions to ensure that local approvals remain consistent with federal and state regulatory conditions imposed during the NRC licensing process. However, upon the issuance of the items listed in 5(c) the City shall not unreasonably withhold building permit issuance.

e. Nothing in this chapter shall be interpreted to limit or prescribe the specific federal nuclear licensing pathway selected by an applicant, provided that all applicable NRC requirements are satisfied.

6. Administrative Appeal. Any final decision of the DRC made under this chapter may be appealed to the Eagle Mountain City Council in accordance with Title 17 of the Eagle Mountain municipal code and Utah Code §10-20-11 et seq. An appeal must be filed in writing within fourteen (14) days of the date of the DRC's written decision. The City Council shall review the DRC decision under the standards applicable to administrative land use decisions and may affirm, reverse, or remand the decision with instructions.

17.64.050 Land use table.

The land use table below identifies various land uses that are permitted or special uses in the AEOZ. Uses that are not listed in the table are prohibited.

P = Permitted (Permitted uses may still require approval through an application process as detailed in this chapter and other chapters)

Blank or not listed = Prohibited

Table 17.64.050 – Use Table

Land Use	AEOZ
Battery Energy Storage System, including all Battery Energy Storage System Facilities	P
Electrical Substations	P
Geothermal Power Plant	P
Natural Gas Power Plant	P
Power Lines	P
Small Modular Reactor Facility	P
Solar Energy Project	P

17.64.060 Temporary uses.

Temporary concrete batch plants, materials processing equipment, trailers and temporary structures, and other similar temporary uses may be approved by the DRC as part of the AEOZ site plan approval if the batch plant or materials processing is located at least one-half mile (2,640 feet) from any existing residence or residential lot within an approved residential subdivision. The temporary uses will only be allowed during active construction of the site and construction of buildings with an active building permit, and only to provide materials for use on the property or for off-site public or private improvements related to the construction on the property. The DRC may impose conditions or restrictions on the batch plant or materials processing to protect the health, safety, and welfare of the public. Temporary uses that are no longer necessary for the construction of the project or associated infrastructure will be required to be removed within a reasonable time frame following notification, considering the scale and complexity of the temporary use.

17.64.070 Battery Energy Storage Systems.

Development and operation of a BESS Facility must be found to conform to the following requirements:

- A. A building permit and an electrical permit shall be required for installation of all Battery Energy Storage Systems.
- B. Battery Energy Storage Systems shall comply with the setback requirements of the underlying zoning district for principal structures.
- C. There is no minimum open space requirement for a BESS Facility.
- D. Applicant shall provide enough parking so that there is one (1) stall per person employed on highest employee shift. Parking and service drives shall meet minimum city standards for sizing, paving, striping, quantity, ADA conformance, planters, maneuvering area, etc. An alternative parking plan may be approved by the DRC based upon information provided by the applicant relative to trip generation, hours of operation, shared parking, peak demands, and other applicable information.
- E. Battery Energy Storage Systems shall comply with the building height limitations for principal structures of the underlying zoning district or RTI overlay zone, whichever is higher.
- F. Battery Energy Storage Systems shall be appropriately screened, buffered, or separated from adjoining dissimilar uses to mitigate potential use conflicts.
- G. Lighting of BESS Facilities shall be limited to that minimally required for safety and operational purposes and shall comply with EMMC Chapter 17.56.
- H. Battery Energy Storage Systems shall be secured from unauthorized access by a fence, wall of appropriate height and incorporating, if necessary, means to prevent climbing and crossing over said fence or wall. The DRC may waive any applicable requirements or design standards for fencing under EMMC 17.60.110 in order to ensure the safety and security of a Battery Energy Storage System.

I. Battery Energy Storage Systems and equipment shall be listed by a Nationally Recognized Testing Laboratory.

J. The building area of the site shall provide adequate space for the distribution or transmission system-level interconnects.

K. Battery Energy Storage Systems shall be maintained in safe working order and in accordance with industry standards, including the following:

1. Areas around Battery Energy Storage Systems shall be maintained clear of combustible vegetation and other combustible materials. The extent of such a fire-safe zone(s) shall be determined through a Hazard Mitigation Analysis (HMA) to be approved by the fire marshal;
2. Access to the Battery Energy Storage Systems shall be sufficient for maintenance, emergency and fire vehicles, including snow removal, at a level acceptable to the local fire department; and
3. Battery Energy Storage Systems, components, and associated ancillary equipment shall have required working space clearances, and electrical circuitry shall be within weatherproof enclosures marked with the environmental rating suitable for the type of exposure.

L. BESS Facility components and equipment shall comply with all applicable City noise and nuisance codes.

M. All Battery Energy Storage Systems shall comply with all applicable federal, state, and local laws, regulations, and safety codes, including but not limited to NFPA 855, the International Fire Code as adopted by the State of Utah, UL 9540 and UL 9540A testing standards, and any additional requirements imposed by the Fire Marshal. In the event of a conflict between these codes or standards, the most stringent requirement shall apply.

N. Applicant shall prepare and submit the following materials prior to obtaining a building permit for a BESS Facility:

1. A site plan prepared in accordance with the AEOZ site plan requirements.
2. A transportation plan for construction and operations indicating the roads that Applicant intends to use during construction and operations.
3. Weed and dust control plan that addresses proposed mitigation measures during construction and operations.
4. A Geotechnical Report and Seismic Hazard Assessment.
 - a. The Geotechnical Report shall include the following:
 1. Site description and proposed development plans.

2. Results of subsurface investigations (e.g., borings, test pits, laboratory testing).
3. Soil and rock classification, groundwater conditions, and geologic hazards.
4. Engineering analysis of bearing capacity, settlement, slope stability, and liquefaction potential.
5. Identification of any site-specific geologic hazards (e.g., landslides, fault scarps) and proposed mitigation measures.
6. Recommendations for foundation design, earthwork, and ground improvement as needed.

b. The Seismic Hazard Assessment shall include the following:

1. Identification and mapping of active or potentially active faults within and near the site.
2. Analysis of ground shaking, surface rupture, liquefaction, and other earthquake-induced hazards.
3. Probabilistic and/or deterministic seismic hazard analysis, including ground motion parameters relevant to the site.
4. Evaluation of the potential impacts of seismic hazards on proposed structures and infrastructure.
5. Recommendations for design and construction to mitigate seismic risks, consistent with applicable building codes and best practices.

c. The applicant shall comply with all recommendations of the Geotechnical Report and Seismic Hazard Assessment prior to obtaining a building permit.

5. A hazardous materials plan subject to review and approval by the City containing the following information:

a. A list of all hazardous materials to be used, stored, or generated, including:

1. Type and chemical composition of each hazardous material.
2. Electrolyte materials.
3. Cooling fluids and fire suppression chemicals.
4. Estimated quantities stored on site.

b. Current Material Safety Data Sheets for all hazardous materials.

- c. Description of potential hazards (e.g., chemical spills, gas releases, fires), including technical data and risk assessment.
- d. Procedures for spill response, fire, explosion, or accidental release, including evacuation routes and notification protocols to be included in the emergency operations plan required under EMMC 17.64.070 (N)(6).
- e. Description of training programs for employees on hazardous materials handling and emergency response.
- f. Description of methods for containment, secondary containment, leak detection, and spill prevention.
- g. The operator of the BESS Facility shall review and update the hazardous materials plan every 5 years.

6. An emergency operations plan that addresses potential fire hazards and proposed fire protection and fire safety protocols that will be employed during construction and operations and the emergency procedures to be used in the event of a fire, explosion, or other event. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders. In the event of any inconsistency between landscaping or buffer requirements under the code and the emergency operation plan, as approved by the fire marshal, the provisions of the fire safety and protection plan shall prevail. The emergency operations plan shall include the following information:

- a. Procedures for safe shutdown, de-energizing, or isolation of equipment and systems under emergency conditions to reduce the risk of fire, electric shock, and personal injuries, and for safe start-up following cessation of emergency conditions;
- b. Procedures for inspection and testing of associated alarms, interlocks, and controls;
- c. Procedures to be followed in response to notifications from the Battery Energy Storage System, when provided, that could signify potentially dangerous conditions, including shutting down equipment, summoning service and repair personnel, and providing agreed-upon notification to fire department personnel for potentially hazardous conditions in the event of a system failure;
- d. Emergency procedures to be followed in case of fire, explosion, release of liquids or vapors, damage to critical moving parts, or other potentially dangerous conditions. Procedures can include sounding the alarm, notifying the fire department, evacuating personnel, de-energizing equipment, and controlling and extinguishing the fire;
- e. Response considerations similar to a safety data sheet (SDS) that will address response safety concerns and extinguishment when an SDS is not required;

f. Procedures for dealing with Battery Energy Storage System equipment damaged in a fire or other emergency event, including maintaining contact information for personnel qualified to safely remove damaged Battery Energy Storage System equipment from the facility; and

g. Procedures and schedules for conducting drills of these procedures and for training local first responders on the contents of the plan and appropriate response procedures.

7. Proof of compliance with all state and federal laws, rules, and regulations governing the installation, maintenance, and operation of Battery Energy Storage Systems.

8. A decommissioning plan to be implemented upon abandonment and/or in conjunction with removal from the BESS Facility. The operator of the BESS Facility shall review and update the decommissioning plan every 5 years. The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Battery Energy Storage Systems components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the Battery Energy Storage Systems;

d. The estimated decommissioning costs and how said estimate was determined;

e. The method of ensuring that funds will be available for decommissioning and restoration;

f. The method by which the decommissioning cost will be kept current;

g. The manner and timeframe in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Battery Energy Storage System, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed; and

h. A listing of any contingencies for removing an intact operational energy storage system from service, and for removing an energy storage system from service that has been damaged by a fire or other event.

9. Decommissioning bond in the form of a cash bond, an irrevocable letter of credit issued in favor of the City in the amount of 100% of the estimated costs to decommission the site, or other financial assurances as reviewed and approved by the City Attorney, as set forth in the decommissioning plan. The amount of the decommissioning bond shall be

updated every five (5) years to reflect current estimated decommissioning costs, which estimate shall be prepared by a licensed professional engineer and submitted to the City.

10. Once decommissioning has occurred as to a portion of the site, the financial assurances provided for such portion of the site will no longer be required and any remaining financial assurances will be adjusted or returned to the individual or entity that posted the bond or BESS Facility owner/operator accordingly. Following full decommissioning of the site, any funds not utilized by the City shall be returned to the BESS Facility owner/operator.

17.64.080 Geothermal Power Plants.

Development and operation of a Geothermal Power Plant must be found to conform to the following requirements:

A. All principal structures comprising a Geothermal Power Plant shall be set back at least 50 feet from all exterior project boundary lines. Access roads, fencing, utility lines, and driveways may be located within such required setback. For purposes of this Section, an “exterior project boundary line” means the perimeter boundary line of the lot or lots that, taken together, comprise a Geothermal Power Plant project. The DRC may approve any building or structure height that is reasonable based on the engineering or design requirements for a Geothermal Power Plant.

B. There is no minimum open space requirement for a Geothermal Power Plant.

C. Applicant shall provide enough parking so that there is one (1) stall per person employed on highest employee shift. Parking and service drives shall meet minimum city standards for sizing, paving, striping, quantity, ADA conformance, planters, maneuvering area, etc. An alternative parking plan may be approved by the DRC based upon information provided by the applicant relative to trip generation, hours of operation, shared parking, peak demands, and other applicable information.

D. Geothermal Power Plants shall be secured from unauthorized access by a fence or wall of appropriate height that incorporates, if necessary, means to prevent climbing and crossing over said fence or wall. The DRC may waive any applicable requirements or design standards for fencing under EMMC 17.60.110 in order to ensure the safety and security of a Geothermal Power Plant.

E. Geothermal Power Plants shall be maintained in safe working order and in accordance with industry standards, including the following:

1. Areas around Geothermal Power Plants shall be maintained clear of combustible vegetation and other combustible materials. The extent of such a fire-safe zone(s) shall be determined through a Hazard Mitigation Analysis (HMA) to be approved by the fire marshal; and
2. Access to the Geothermal Power Plants shall be sufficient for maintenance, emergency and fire vehicles, including snow removal at a level acceptable to the local fire department.

F. Geothermal Power Plant components and equipment shall comply with all applicable City noise and nuisance codes.

G. Lighting of Geothermal Power Plants shall be limited to that minimally required for safety and operational purposes and shall comply with EMMC Chapter 17.56.

H. Applicant shall comply with all applicable federal and state laws, rules, and regulations and shall provide evidence of all federal and state permits and approvals required to operate a Geothermal Power Plant prior to the issuance of a certificate of occupancy.

I. Applicant shall prepare and submit the following materials prior to obtaining a building permit for a Geothermal Power Plant:

1. A site plan prepared in accordance with the AEOZ site plan process.
2. A transportation plan for construction and operations indicating the roads that the applicant intends to use during construction and operations.
3. Weed and dust control plan that addresses proposed mitigation measures during construction and operations.
4. A Geotechnical Report and Seismic Hazard Assessment.

a. The Geotechnical Report shall include the following:

1. Site description and proposed development plans.
2. Results of subsurface investigations (e.g., borings, test pits, laboratory testing).
3. Soil and rock classification, groundwater conditions, and geologic hazards.
4. Engineering analysis of bearing capacity, settlement, slope stability, and liquefaction potential.
5. Identification of any site-specific geologic hazards (e.g., landslides, fault scarps) and proposed mitigation measures.
6. Recommendations for foundation design, earthwork, and ground improvement as needed.

b. The Seismic Hazard Assessment shall include the following:

1. Identification and mapping of active or potentially active faults within and near the site.
2. Analysis of ground shaking, surface rupture, liquefaction, and other earthquake-induced hazards.

3. Probabilistic and/or deterministic seismic hazard analysis, including ground motion parameters relevant to the site.
 4. Evaluation of the potential impacts of seismic hazards on proposed structures and infrastructure.
 5. Recommendations for design and construction to mitigate seismic risks, consistent with applicable building codes and best practices.
- c. The applicant shall comply with all recommendations of the Geotechnical Report and Seismic Hazard Assessment prior to obtaining a building permit.
5. A hazardous materials plan subject to review and approval by the City containing the following information:
- a. A list of all hazardous materials to be used, stored, or generated, including:
 1. Type and chemical composition of each hazardous material.
 2. Electrolyte materials.
 3. Cooling fluids and fire suppression chemicals.
 4. Estimated quantities stored on site.
 - b. Current Material Safety Data Sheets for all hazardous materials.
 - c. Description of potential hazards (e.g., chemical spills, gas releases, fires), including technical data and risk assessment.
 - d. Procedures for spill response, fire, explosion, or accidental release, including evacuation routes and notification protocols to be included in the emergency operations plan required under EMMC 17.64.080 (1)(6).
 - e. Description of training programs for employees on hazardous materials handling and emergency response.
 - f. Description of methods for containment, secondary containment, leak detection, and spill prevention.
 - g. The operator of the Geothermal Power Plant shall review and update the hazardous materials plan every 5 years.
6. A fire safety and protection plan that addresses potential fire hazards and proposed fire protection and fire safety protocols that will be employed during construction and operations and the emergency procedures to be used in the event of a fire, explosion, or other event. The fire safety and protection plan shall be reviewed and approved by the fire marshal. In the event of any inconsistency between landscaping or buffer requirements under the Eagle Mountain Municipal Code and the fire safety and

protection plan, as approved by the fire marshal, the provisions of the fire safety and protection plan shall prevail. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

7. A list and copies of all other federal, State, and local permits and approvals that have been or will be required for the proposed Geothermal Power Plant, together with a proposal for coordinating such approvals with the City.

8. A decommissioning plan to be implemented upon abandonment and/or in conjunction with removal from the Geothermal Power Plant. The decommissioning plan shall comply with all local, state, and federal regulations regarding the decommissioning of Geothermal Power Plants. The operator of a Geothermal Power Plant shall review and update the decommissioning plan every 5 years. The decommissioning plan shall include:

a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Geothermal Power Plant components, structures, equipment, security barriers, and transmission lines from the site;

b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;

c. The anticipated life of the Geothermal Power Plant;

d. The estimated decommissioning costs and how said estimate was determined; and

e. The manner and timeframe in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Geothermal Power Plant, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

J. Water Supply and Water Rights Requirements.

1. The City shall not be obligated to provide culinary, secondary, or industrial water for the construction or operation of any Geothermal Power Plant. All water required for drilling, stimulation, cooling, injection, dust control, or any other phase of development or operation shall be supplied entirely from water rights owned, acquired, or leased by the applicant.

2. As part of the AEOZ site plan application, the applicant shall provide:

a. Evidence of valid, vested, and adequately quantified water rights sufficient to meet all projected water demands of the project, including documentation from the Utah Division of Water Rights.

- b. A Water Use Assessment demonstrating annual and peak water demands for drilling, construction, and operation, and identifying the specific water rights proposed to meet each demand.
3. No site plan approval, grading permit, or building permit shall be issued until the City verifies that the applicant has secured legally recognized water rights adequate for all phases of the project and that the project will not rely on the City's potable or irrigation water systems.
4. Temporary or permanent connection to the City's culinary, secondary, or industrial water systems for any purpose related to the Geothermal Power Plant is prohibited, unless expressly authorized by a separate agreement approved by the City Council.
5. Any modification or change application required by the Utah Division of Water Rights to convert or change the use of a water right for geothermal purposes must be approved by the State before the City may grant final approval.

K. Seismic Injection Controls.

1. Injection wells, reinjection wells, stimulation wells, and any other subsurface fluid-injection activities associated with a Geothermal Power Plant shall be designed, constructed, operated, monitored, and adjusted in compliance with all applicable requirements of the Utah Division of Oil, Gas and Mining (DOG M), the Utah Division of Water Rights, and all applicable federal regulations governing geothermal injection practices.
2. As part of the AEOZ site plan application, the applicant shall submit a Seismic Monitoring and Mitigation Plan that includes:
 - a. A baseline microseismic survey of the project area;
 - b. identification of faults, fracture networks, and geologic structures that could be affected by injection activities;
 - c. proposed injection pressures, volumes, flow rates, and operational thresholds;
 - d. monitoring equipment locations and data-collection protocols; and
 - e. automatic operational response actions, including pressure reductions or suspension of injection, if seismic activity exceeds established thresholds.
3. No drilling permit, site plan approval, or building permit shall be issued until the City confirms that the proposed injection activities have been reviewed and approved by all applicable state agencies, including DOGM and the Utah Division of Water Rights.
4. The operator shall continuously monitor induced seismicity and injection-related ground movement using equipment and methodologies acceptable to the Fire Marshal, City Engineer, and state regulators. Monitoring data shall be made available to the City upon request.

5. If seismic events exceeding the operator's approved thresholds occur, or if injection activities are determined to pose a risk to public safety, infrastructure, or utilities, the City may require immediate reduction or suspension of injection operations until the condition is mitigated and the relevant state regulatory agencies confirm that operations may safely resume.

6. Nothing in this subsection shall be construed to permit injection activities that are otherwise prohibited or restricted under state or federal law.

17.64.090 Natural Gas Power Plants.

Development and operation of a Natural Gas Power Plant must be found to conform to the following requirements:

A. All principal structures comprising a Natural Gas Power Plant shall be set back at least 50 feet from all exterior project boundary lines. Access roads, fencing, utility lines, and driveways may be located within such required setback. For purposes of this Section, an "exterior project boundary line" means the perimeter boundary line of the lot or lots that, taken together, comprise a Natural Gas Power Plant project. The DRC may approve any building or structure height that is reasonable based on the engineering or design requirements for a Natural Gas Power Plant.

B. There is no minimum open space requirement for a Natural Gas Power Plant.

C. Applicant shall provide enough parking so that there is one (1) stall per person employed on highest employee shift. Parking and service drives shall meet minimum city standards for sizing, paving, striping, quantity, ADA conformance, planters, maneuvering area, etc. An alternative parking plan may be approved by the DRC based upon information provided by the applicant relative to trip generation, hours of operation, shared parking, peak demands, and other applicable information.

D. Natural Gas Power Plants shall be secured from unauthorized access by a fence or wall of appropriate height that incorporates, if necessary, means to prevent climbing and crossing over said fence or wall. The DRC may waive any applicable requirements or design standards for fencing under EMMC 17.60.110 in order to ensure the safety and security of a Natural Gas Power Plant.

E. Natural Gas Power Plants shall be maintained in safe working order and in accordance with industry standards, including the following:

1. Areas around Natural Gas Power Plants shall be maintained clear of combustible vegetation and other combustible materials. The extent of such a fire-safe zone(s) shall be determined through a Hazard Mitigation Analysis (HMA) to be approved by the fire marshal; and

2. Access to the Natural Gas Power Plants shall be sufficient for maintenance, emergency and fire vehicles, including snow removal at a level acceptable to the local fire department.

F. Natural Gas Power Plant components and equipment shall comply with all applicable City noise and nuisance codes.

G. Lighting of Natural Gas Power Plants shall be limited to that minimally required for safety and operational purposes and shall comply with EMMC Chapter 17.56.

H. Applicant shall comply with all applicable federal and state laws, rules, and regulations and shall provide evidence of all federal and state permits and approvals required to operate a Natural Gas Power Plant prior to the issuance of a certificate of occupancy.

I. Applicant shall prepare and submit the following materials prior to obtaining a building permit for a Natural Gas Power Plant:

1. A site plan prepared in accordance with the AEOZ site plan process.
2. A transportation plan for construction and operations indicating the roads that the applicant intends to use during construction and operations.
3. Weed and dust control plan that addresses proposed mitigation measures during construction and operations.
4. A Geotechnical Report and Seismic Hazard Assessment.
 - a. The Geotechnical Report shall include the following:
 1. Site description and proposed development plans.
 2. Results of subsurface investigations (e.g., borings, test pits, laboratory testing).
 3. Soil and rock classification, groundwater conditions, and geologic hazards.
 4. Engineering analysis of bearing capacity, settlement, slope stability, and liquefaction potential.
 5. Identification of any site-specific geologic hazards (e.g., landslides, fault scarps) and proposed mitigation measures.
 6. Recommendations for foundation design, earthwork, and ground improvement as needed.
 - b. The Seismic Hazard Assessment shall include the following:
 1. Identification and mapping of active or potentially active faults within and near the site.
 2. Analysis of ground shaking, surface rupture, liquefaction, and other earthquake-induced hazards.

3. Probabilistic and/or deterministic seismic hazard analysis, including ground motion parameters relevant to the site.
 4. Evaluation of the potential impacts of seismic hazards on proposed structures and infrastructure.
 5. Recommendations for design and construction to mitigate seismic risks, consistent with applicable building codes and best practices.
- c. The applicant shall comply with all recommendations of the Geotechnical Report and Seismic Hazard Assessment prior to obtaining a building permit.
5. A hazardous materials plan subject to review and approval by the City containing the following information:
- a. A list of all hazardous materials to be used, stored, or generated, including:
 1. Type and chemical composition of each hazardous material.
 2. Electrolyte materials.
 3. Cooling fluids and fire suppression chemicals.
 4. Estimated quantities stored on site.
 - b. Current Material Safety Data Sheets for all hazardous materials.
 - c. Description of potential hazards (e.g., chemical spills, gas releases, fires), including technical data and risk assessment.
 - d. Procedures for spill response, fire, explosion, or accidental release, including evacuation routes and notification protocols to be included in the emergency operations plan required under EMMC 17.64.090 (I)(6).
 - e. Description of training programs for employees on hazardous materials handling and emergency response.
 - f. Description of methods for containment, secondary containment, leak detection, and spill prevention.
 - g. The operator of the Natural Gas Power Plant shall review and update the hazardous materials plan every 5 years.
6. A fire safety and protection plan that addresses potential fire hazards and proposed fire protection and fire safety protocols that will be employed during construction and operations and the emergency procedures to be used in the event of a fire, explosion, or other event. The fire safety and protection plan shall be reviewed and approved by the fire marshal. In the event of any inconsistency between landscaping or buffer requirements under the Eagle Mountain Municipal Code and the fire safety and

protection plan, as approved by the fire marshal, the provisions of the fire safety and protection plan shall prevail. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.

7. A list and copies of all other federal, State, and local permits and approvals that have been or will be required for the proposed Natural Gas Power Plant, together with a proposal for coordinating such approvals with the City.

8. A decommissioning plan to be implemented upon abandonment and/or in conjunction with removal from the Natural Gas Power Plant. The decommissioning plan shall comply with all local, state, and federal regulations regarding the decommissioning of Natural Gas Power Plants. The operator of a Natural Gas Power Plant shall review and update the decommissioning plan every 5 years. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Natural Gas Power Plant components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the Natural Gas Power Plant;
- d. The estimated decommissioning costs and how said estimate was determined; and
- e. The manner and timeframe in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Natural Gas Power Plant, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

J. The total combined nameplate generating capacity of all Natural Gas Power Plants within the Alternative Energy Overlay Zone shall not exceed two gigawatts. No application shall be approved if the construction of the proposed facility would cause the total cumulative capacity of all approved or existing Natural Gas Power Plants within the Alternative Energy Overlay Zone to exceed this limit.

K. Water Use Limitations.

- I. Natural Gas Power Plants shall be limited to low-water-use technologies, including air-cooled simple cycle facilities, air-cooled combined cycle facilities, and fuel cell generating systems. All Natural Gas Power Plants shall utilize either:
 - a. air-cooled heat rejection systems, or
 - b. closed-loop cooling systems with minimal makeup water requirements.

2. The use of once-through cooling, evaporative cooling, open-loop cooling systems, cooling ponds, or any cooling technology that requires significant ongoing withdrawals of culinary, secondary, or industrial water is prohibited.
3. The City shall not be obligated to provide culinary, secondary, or industrial water for the construction or operation of any Natural Gas Power Plant. Any water required during construction or operation shall be supplied solely from water rights owned, acquired, or leased by the applicant.
4. As part of the AEOZ site plan application, the applicant shall submit a Water Use Assessment identifying:
 - a. all water required for construction, commissioning, and operations;
 - b. the specific water rights proposed to meet such demands; and
 - c. calculations demonstrating that the project will not require ongoing municipal water supply beyond incidental fire suppression reserves.
5. No site plan approval, grading permit, or building permit shall be issued until the City verifies that the proposed Natural Gas Power Plant complies with this section and that adequate water rights have been secured for all project demands.
6. Priority shall be given to projects that do not require any cooling water during normal operations.

17.64.100 Small Modular Reactor Facilities.

Development and operation of a Small Modular Reactor Facility must be found to conform to the following requirements. In the event of conflict, NRC requirements supersede other regulations cited in this section:

- A. A Small Modular Reactor Facility shall comply with the residential setback, site planning and emergency planning zone recommendations and requirements of the U.S. Nuclear Regulatory Commission (NRC) and the Environmental Protection Agency (EPA) for Small Modular Reactor Facilities.
- B. There is no minimum open space requirement for a Small Modular Reactor Facility.
- C. A Small Modular Reactor Facility shall be secured from unauthorized access by a fence or wall of appropriate height and incorporating, if necessary, means to prevent climbing and crossing over said fence or wall. The DRC may waive any applicable requirements or design standards for fencing under EMMC 17.60.110 in order to ensure the safety and security of a Small Modular Reactor Facility.
- D. Applicant shall provide enough parking so that there is one (1) stall per person employed on highest employee shift. Parking and service drives shall meet minimum city standards for sizing, paving, striping, quantity, ADA conformance, planters, maneuvering area, etc. An alternative

parking plan may be approved by the DRC based upon information provided by the applicant relative to trip generation, hours of operation, shared parking, peak demands, and other applicable information.

E. A Small Modular Reactor Facility shall be maintained in safe working order and in accordance with industry standards and all NRC regulations.

F. Applicant shall comply with all applicable federal and state laws, rules, and regulations, including, without limitation, all applicable requirements of the NRC and EPA, and shall provide evidence of all federal and state permits and approvals required to construct a Small Modular Reactor Facility prior to the issuance of a building permit.

G. Lighting of Small Modular Reactor Facilities shall be limited to that minimally required for safety and operational purposes and shall comply with EMMC Chapter 17.56.

H. Applicant shall prepare and submit the following materials prior to obtaining a building permit for a Small Modular Reactor Facility:

1. A site plan prepared in accordance with the AEOZ site plan process.
2. A transportation plan for construction and operations indicating the roads that Applicant intends to use during construction and operations.
3. Weed and dust control plan that addresses proposed mitigation measures during construction and operations.
4. A fire safety and protection plan that addresses potential fire hazards and proposed fire protection and fire safety protocols that will be employed during construction and operations and the emergency procedures to be used in the event of a fire, explosion, or other event. The fire safety and protection plan shall be reviewed and approved by the fire marshal. In the event of any inconsistency between landscaping or buffer requirements under the Eagle Mountain Municipal Code and the fire safety and protection plan, as approved by the fire marshal, the provisions of the fire safety and protection plan shall prevail. A permanent copy shall also be placed in an approved location to be accessible to facility personnel, fire code officials, and emergency responders.
5. A list and copies of all other federal, state, and local permits and approvals that have been or will be required for the proposed Small Modular Reactor Facility, together with a proposal for coordinating such approvals with the City.
6. A decommissioning plan to be implemented upon abandonment and/or in conjunction with removal from the Small Modular Reactor Facility. The decommissioning plan shall comply with all local, state, and federal regulations regarding the decommissioning of Small Modular Reactor Facilities. The operator of a Small Modular Reactor Facility shall review and update the decommissioning plan every 5 years. The decommissioning plan shall include:

- a. A narrative description of the activities to be accomplished, including who will perform that activity and at what point in time, for complete physical removal of all Small Modular Reactor Facility components, structures, equipment, security barriers, and transmission lines from the site;
- b. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations;
- c. The anticipated life of the Small Modular Reactor Facility;
- d. The estimated decommissioning costs and how said estimate was determined; and
- e. The manner and timeframe in which the site will be restored, including a description of how any changes to the surrounding areas and other systems adjacent to the Small Modular Reactor Facility, such as, but not limited to, structural elements, building penetrations, means of egress, and required fire detection and suppression systems, will be protected during decommissioning and confirmed as being acceptable after the system is removed.

I. The total combined nameplate generating capacity of all Small Modular Reactor Facilities within the Alternative Energy Overlay Zone shall not exceed three gigawatts. No application shall be approved if the construction of the proposed facility would cause the total cumulative capacity of all approved or existing Small Modular Reactor Facilities within the Alternative Energy Overlay Zone to exceed this limit.

1. Microreactors with a nameplate capacity of 50 megawatts or less shall be exempt from the aggregate generating capacity limitation for purposes of calculating total nuclear generating capacity, provided they comply with all applicable state and federal safety standards.

a. A microreactor shall be exempt from the aggregate nuclear generating capacity limitation only when operated as a single, standalone Microreactor Installation. The exemption shall not apply to any installation containing more than one reactor unit, or to any installation in which a microreactor is colocated, aggregated, interconnected, or operated in coordination with another reactor unit through shared security perimeters, shared balance of plant systems, shared staffing, shared cooling or electrical systems, or common or linked NRC licensing. Any such installation shall be treated as a Small Modular Reactor Facility for regulatory and capacity limit purposes.

b. For purposes of applying the microreactor exemption and calculating total nuclear generating capacity, the City shall evaluate the functional and operational characteristics of the installation rather than the form of ownership. Separate corporate entities, lease structures, or parcel boundaries shall not be used to circumvent the classification of a project as a Small Modular Reactor Facility.

J. Prohibited Reactor Technologies. Small Modular Reactor Facilities shall not include any reactor design that relies primarily on water as a coolant or moderator. Prohibited technologies

include, but are not limited to, Pressurized Water Reactors (PWRs), Boiling Water Reactors (BWRs), Light Water Reactors (LWRs), and Pressurized Heavy Water Reactors (PHWRs). Only non-water-cooled advanced reactor technologies consistent with the definition of a Small Modular Reactor Unit in this chapter are eligible for consideration within the AEOZ.

17.64.110 Solar Energy Projects.

Development and operation of a Solar Energy Project must be found to conform to the following requirements:

A. Structures constructed at, or as part of, a Solar Energy Project shall comply with the following setbacks: (1) at least 50 feet from all exterior project boundary lines that abut a residentially zoned district; and (2) from public road rights-of-way, at least the distance required by the base zone in which the Solar Energy Project is established, or twenty-five feet, or one and one-half times the height of the nearest structure to a right-of-way, whichever is greater. Access roads and driveways may be located within any required setback. For purposes of this Section, an “exterior project boundary line” means the perimeter boundary line of the lot or lots that, taken together, comprise a Solar Energy Project.

B. There is no minimum open space requirement for a Solar Energy Project.

C. A Solar Energy Project shall be fully fenced and secured with locked gates. Fences shall be no less than 6 feet and no more than 8 feet in height and constructed of chain link or other durable material. Knox key lock boxes and keys shall be provided at locked entrances to allow emergency personnel access. For any portions of the site located adjacent to a public right of way, such fencing shall include additional screening elements (such as slatted chain link or other solid fencing material). Exterior fencing shall not be required along any portion of a Solar Energy Project that is contiguous to and part of a similar project located outside the boundaries of the City. The DRC may waive any applicable requirements or design standards for fencing under EMMC 17.60.110 in order to ensure the safety and security of a Solar Energy Project.

D. Subject to the provisions of the fire safety and protection plan described below, a Solar Energy Project shall incorporate the applicable landscaping requirements of the underlying zoning district for the portion(s) of the project site located adjacent to public rights of way. However, if the project site is not currently served by culinary or irrigation water lines or systems, a Solar Energy Project shall not be required to comply with applicable landscaping requirements of the underlying zoning district. Additionally, no landscaping shall be required within the fenced area of the project site. Applicant shall comply with all applicable weed control requirements set forth in the Eagle Mountain Municipal Code.

E. Applicant shall provide enough parking so that there is one (1) stall per person employed on highest employee shift. Parking and service drives shall meet minimum city standards for sizing, paving, striping, quantity, ADA conformance, planters, maneuvering area, etc. An alternative parking plan may be approved by the DRC based upon information provided by the applicant relative to trip generation, hours of operation, shared parking, peak demands, and other applicable information.

F. Solar Energy Project components and equipment shall comply with all applicable City noise and nuisance codes.

G. Lighting of Solar Energy Projects shall be limited to that minimally required for safety and operational purposes and shall comply with EMMC Chapter 17.56.

H. All photovoltaic panels of a Solar Energy Project shall be restricted to a maximum height of twenty (20) feet when oriented at a maximum tilt, as measured from the existing grade. All other buildings or structures comprising a Solar Energy Project shall comply with the height requirements of the underlying zoning district.

I. Applicant shall prepare and submit the following materials prior to obtaining a building permit for a Solar Energy Project:

1. A site plan prepared in accordance with the AEOZ site plan process.
2. A transportation plan for construction and operations indicating the roads that Applicant intends to use during construction and operations.
3. Weed and dust control plan that addresses proposed mitigation measures during construction and operations.
4. A Geotechnical Report and Seismic Hazard Assessment.
 - a. The Geotechnical Report shall include the following:
 1. Site description and proposed development plans.
 2. Results of subsurface investigations (e.g., borings, test pits, laboratory testing).
 3. Soil and rock classification, groundwater conditions, and geologic hazards.
 4. Engineering analysis of bearing capacity, settlement, slope stability, and liquefaction potential.
 5. Identification of any site-specific geologic hazards (e.g., landslides, fault scarps) and proposed mitigation measures.
 6. Recommendations for foundation design, earthwork, and ground improvement as needed.
 - b. The Seismic Hazard Assessment shall include the following:
 1. Identification and mapping of active or potentially active faults within and near the site.
 2. Analysis of ground shaking, surface rupture, liquefaction, and other earthquake-induced hazards.
 3. Probabilistic and/or deterministic seismic hazard analysis, including ground motion parameters relevant to the site.

4. Evaluation of the potential impacts of seismic hazards on proposed structures and infrastructure.
 5. Recommendations for design and construction to mitigate seismic risks, consistent with applicable building codes and best practices.
- c. The applicant shall comply with all recommendations of the Geotechnical Report and Seismic Hazard Assessment prior to obtaining a building permit.
5. A Glare Hazard Analysis evaluating the potential for glare impacts on nearby roadways, residential uses, public facilities, and aviation operations. The analysis shall:
- a. Identify all sensitive receptors within at least a one-mile radius of the project boundary, including roadways, occupied structures, and any airports or heliports registered with the FAA;
 - b. model predicted glare throughout the year under typical operating conditions;
 - c. identify any instances of “green,” “yellow,” or “red” glare as defined by FAA and industry glare metrics; and
 - d. include proposed mitigation measures, if needed, to eliminate hazardous or nuisance glare.
 - e. For any glare visible from an FAA-regulated facility, the applicant shall demonstrate compliance with FAA guidance on solar installations near airports, including Advisory Circular AC 150/5370-2G or its successor.

No site plan approval shall be granted until the City verifies that the project will not create hazardous glare conditions for nearby receptors.

6. A hazardous materials plan subject to review and approval by the City containing the following information:
- a. A list of all hazardous materials to be used, stored, or generated, including:
 1. Type and chemical composition of each hazardous material.
 2. Electrolyte materials.
 3. Cooling fluids and fire suppression chemicals.
 4. Estimated quantities stored on site.
 - b. Current Material Safety Data Sheets for all hazardous materials.
 - c. Description of potential hazards (e.g., chemical spills, gas releases, fires), including technical data and risk assessment.

d. Procedures for spill response, fire, explosion, or accidental release, including evacuation routes and notification protocols to be included in the emergency operations plan required under EMMC 17.64.110 (I)(7).

e. Description of training programs for employees on hazardous materials handling and emergency response.

f. Description of methods for containment, secondary containment, leak detection, and spill prevention.

g. The operator of the Solar Energy Project shall review and update the hazardous materials plan every 5 years.

7. A fire safety and protection plan that addresses potential fire hazards and proposed fire protection and fire safety protocols that will be employed during construction and operations. The fire safety and protection plan shall be reviewed and approved by the fire marshal. In the event of any inconsistency between landscaping or buffer requirements under the Eagle Mountain Municipal Code and the fire safety and protection plan, as approved by the fire marshal, the provisions of the fire safety and protection plan shall prevail.

8. Decommissioning plan that addresses the anticipated life of the project; the estimated cost to remove, dismantle, and dispose of project improvements, less the salvage value of such improvements, as determined by a licensed professional engineer; the manner in which the project will be decommissioned and site reclamation obligations.

9. Decommissioning bond in the form of a cash bond, an irrevocable letter of credit issued in favor of the City in the amount of 100% of the estimated costs to decommission the site, or other financial assurances as reviewed and approved by the City Attorney, as set forth in the decommissioning plan. The amount of the decommissioning bond shall be updated every five (5) years to reflect current estimated decommissioning costs, which estimate shall be prepared by a licensed professional engineer and submitted to the City.

10. Once decommissioning has occurred as to a portion of the site, the financial assurances provided for such portion of the site will no longer be required and any remaining financial assurances will be adjusted or returned to the individual or entity that posted the bond or Solar Energy Project owner/operator accordingly. Following full decommissioning of the site, any funds not utilized by the City shall be returned to the Solar Energy Project owner/operator.

J. In the event that the City deems any portion of the Solar Energy Project abandoned as provided herein, that portion of the site shall be removed in accordance with the decommissioning plan. If the City Council finds that some or all of the Solar Energy Project has been abandoned, the City Council shall provide written notice of such finding of partial or total abandonment to the company and the Solar Energy Project owner/operator. Within sixty (60) days after receipt of such notice, the Solar Energy Project owner/operator may provide the City a written response disputing such finding of abandonment and/or requesting an extension of additional time to repair and restore operations of the Solar Energy Project or to commence

decommissioning of such portion of the Solar Energy Project. The City Council shall consider any such written response by the Solar Energy Project owner/operator at a public hearing. The final decision of the City Council issued following such public hearing may be appealed to the District Court within thirty (30) days.

If, following a final decision of the City Council that some or all of the Solar Energy Project is abandoned and the Solar Energy Project owner/operator fails to repair or decommission such abandoned portion of the Solar Energy Project within the time frame set forth in the decommissioning plan (or as otherwise approved by the City Council as provided herein) or fails to file a timely appeal to the District Court on the City's finding that some or all of the Solar Energy Project is abandoned, this failure will be deemed as sufficient cause for the City to utilize the decommissioning bond provided to the City and to remove the Solar Energy Project and implement the decommissioning plan prepared by the Solar Energy Project owner/operator.

A Solar Energy Project is considered "abandoned" when some or all of its improvements remain non-functional or inoperative, meaning it is not being used to generate energy or is not maintained in compliance with the terms of an approved building permit, for a continuous period of one (1) year. A Solar Energy Project that is, in whole or in part, nonfunctional or inoperative for any period of time as a result of an emergency or force majeure event, any maintenance, repair, or repowering of the Solar Energy Project by the Solar Energy Project owner/operator, and/or curtailment by an end user or power purchaser, or any other periods of nonuse that are planned or scheduled by the Solar Energy Project owner/operator or otherwise required by the power purchaser or transmission provider shall not be deemed abandoned.

17.64.120 Development standards.

The base zoning or underlying zoning, including the RTI overlay zone, shall be applicable, unless modified or replaced as follows:

- A. Accessory buildings must comply with the architectural standards found in EMMC 17.64.130.
- B. Public roads that are on the city's master transportation plan must be improved to the level of standard designated on that plan (major arterial, minor arterial, major collector, minor collector, etc.).
- C. Public roads within projects must comply, at a minimum, with the city's industrial street standard.
- D. Front parking lots and driveway entrances shall be asphalt or concrete in accordance with city standards. Equipment and rear parking areas may be graveled. Parking shall be provided in accordance with Chapter 17.55 EMMC, as modified by this chapter.
- E. Outdoor storage areas do not need to comply with city landscaping requirements.

17.64.130 Building facade architectural standards.

The following standards are intended to provide details regarding the facade appearance of accessory buildings located within the AEOZ.

- A. Buildings shall maintain a contemporary appearance.

1. Architecture of industrial buildings where size predominates over artistic detailing shall feature clean lines and elements, vertical and horizontal articulation, or modulation (stepping portions of the facade), and use of textures and materials to reduce the apparent scale of large building walls.





2. Professional office buildings shall meet the commercial design standards found in Chapter 17.72 EMMC.
3. Where more than one structure is built in a complex or unit, structures shall have a similar style or theme, including colors, materials, and design elements.
4. Pedestrian-scaled architectural details are not required except for facades directly facing residential zones and/or main entryways to the project.
5. The main pedestrian or customer entrance shall be clearly identifiable and consist of a sheltering element such as a porch, stoop, awning, arcade, or portico.
6. Buildings shall include facade articulation/modulation (stepping portions of the facade) and horizontal and vertical divisions (textures or materials) to avoid large, featureless, and/or panelized surfaces on buildings. Large uninterrupted expanses of a building wall without facade modulation or divisions are prohibited.

B. Architectural features should be simple with careful attention given to concentrating details and fenestration along main street elevations and at building entries.

C. It is recognized that the function and use of particularly large buildings will dictate the style and general appearance of the structure. In these cases, strict adherence to the provisions of this chapter may not be advisable or possible. In such cases where the exterior style, color, or materials are critical to the function and use of the building, the DRC may approve building elevations that generally comply with these architectural standards but contain some modifications that accommodate the business-critical function and use.

D. Exemption for Energy Infrastructure Buildings. The architectural standards of this section shall not apply to principal or ancillary structures within an Alternative Energy Project where such standards conflict with industry-specific engineering, safety, security, or operational requirements. In such cases, buildings may use prefabricated, modular, or industrial construction consistent with the functional needs of the facility, subject to approval by the DRC.