



**CITY COUNCIL MEETING  
OF THE CITY OF CEDAR HILLS  
Tuesday, November 15, 2016 7:00 p.m.**

Notice is hereby given that the City Council of the City of Cedar Hills, Utah, will hold a **City Council Meeting on Tuesday, November 15, 2016, beginning at 7:00 p.m.** at the Community Recreation Center, 10640 N Clubhouse Drive, Cedar Hills, Utah. This is a public meeting and anyone is invited to attend.

**COUNCIL MEETING**

1. Call to Order, Invocation given by C. Bailey and Pledge led by C. Crawley
2. Approval of Meeting's Agenda
3. Public Comment: Time has been set aside for the public to express their ideas, concerns and comments (comments limited to 3 minutes per person with a total of 30 minutes for this item)

**PUBLIC HEARING**

4. Amendments to the City Code Title 10, Chapter 5 Relating to Requirements on Renewable Energy Systems

**CITY REPORTS AND BUSINESS**

5. City Manager
6. Mayor and Council

**SCHEDULED ITEMS**

7. Review/Action on an Ordinance Amending City Code Title 10, Chapter 5 Relating to Requirements on Renewable Energy Systems
8. Motion to go into Closed Session pursuant to Utah State Code 52-4-205(1)(c)(d)&(e) to discuss pending or reasonably imminent litigation, to discuss the purchase, exchange or lease of real property and to discuss the sale of real property.  
\*\*\* CLOSED SESSION\*\*\*
9. Motion to adjourn Closed Session and Reconvene City Council Meeting.

**ADJOURNMENT**

10. Adjourn

Posted this 10th day of November, 2016

/s/ Colleen A. Mulvey, City Recorder

- Supporting documentation for this agenda is posted on the city's website at [www.cedarhills.org](http://www.cedarhills.org).
- In accordance with the Americans with Disabilities Act, the City of Cedar Hills will make reasonable accommodations to participate in the meeting. Requests for assistance can be made by contacting the City Recorder at 801-785-9668 at least 48 hours in advance of the meeting.
- An Executive Session may be called to order pursuant to Utah State Code 54-4-204 & 54-4-205.
- The order of agenda items may change to accommodate the needs of the City Council, the staff, and the public.
- This meeting may be held electronically via telephone to permit one or more of the council members to participate.



# CITY OF CEDAR HILLS

<b>TO:</b>	Mayor and City Council
<b>FROM:</b>	David Bunker, City Manager
<b>DATE:</b>	11/15/2016

## City Council Agenda Item

<b>SUBJECT:</b>	Review/Action on Renewable Energy Systems
<b>APPLICANT PRESENTATION:</b>	N/A
<b>STAFF PRESENTATION:</b>	Chandler Goodwin, Assistant City Manager/City Planner
<b>BACKGROUND AND FINDINGS:</b> Based on City Council recommendation and the current desire for residents to have renewable energy systems installed at their homes, there is a need to regulate these systems so as to mitigate any negative impacts that may occur to the surrounding property owners. The proposed code is based on West Jordan City Code, and has been modified to reflect the recommendations of the planning commission. The proposed code covers only wind and solar systems, both ground and mounted systems. The proposed code gives design standards for wind and solar systems, regulating setbacks, height, noise levels. Additionally, the planning commission has recommended that roof mounted wind energy systems be prohibited as they would not fit within the desired uses of a residential zone.	
<b>PREVIOUS LEGISLATIVE ACTION:</b> Planning commission made recommendation on 10/25/2016	
<b>FISCAL IMPACT:</b> N/A	
<b>SUPPORTING DOCUMENTS:</b> Proposed code 10-5-38	
<b>RECOMMENDATION:</b> Review the proposed code/ordinance and make the necessary changes for adoption	
<b>MOTION:</b> To approve/not approve Ordinance No. _____, an ordinance amending title 10, Chapter 5 of the City Code of the City of Cedar Hills, Utah, relating to Renewable Energy Systems.	

- A. Purpose: The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.
- B. Submittal Requirements For all Wind and Solar Energy Systems:
  - 1. Review Criteria: When a conditional use permit is required, the zoning administrator shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:
    - a. Proximity of the system to residential structures and residential district boundaries;
    - b. Possible negative impacts on surrounding properties, including, but not limited to, noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts;
    - c. Aesthetics of the system, including, but not limited to, height, wind vanes, color, type, size and the visibility of the system.
  - 2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.
  - 3. Cables: Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from aboveground lines and who are not otherwise required to underground.
  - 4. Permit: All applicants shall make application by fulfilling all requirements of the city building permit application.
- C. Wind Energy Systems:
  - 1. Design Standard For All Wind Energy Systems:
    - a. Sound: Sound produced by the turbine under normal operating conditions shall be limited to 65 decibels measured at the property line, except during naturally occurring short term events like severe storms.
    - b. Shadow Flicker: The tower shall be located so as to eliminate the occurrence of shadow flicker on inhabited structures located on adjacent properties.
    - c. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind are prohibited.
    - d. Lighting: No illumination of the turbine or tower shall be allowed unless required by the federal aviation administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.
    - e. Signal Interference: The owner or operator shall make reasonable efforts to avoid all disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system.

Such owners may be subject to a notice of violation and administrative penalties if violation persists.

f. Accessory Buildings And Support Equipment: Buildings and support equipment associated with tower shall be defined as accessory structures and must comply with 10-4 of this title.

2. Small Wind Energy Systems:

a. Tower Height:

1. Residential Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed twenty feet (20') measuring from the adjacent finished grade to the tip of the blades at their highest point.

b. Blade Height: The minimum height of the lowest point of a turbine blade shall be fifteen feet (15') above ground.

c. Setback:

1. The base of the tower shall be set back from all property lines, public rights of way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.
2. The base of the tower shall not be located within any required front, side, or corner side yard area.
3. The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of ten feet (10').
4. Wind energy systems shall not be allowed in street side yard setback area.

d. Access:

1. Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within 12' of the ground on a freestanding tower.
2. Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom of the lattice tower so that it cannot readily be climbed. Latticed towers shall be fenced according to the provision of 10-5-18 of this Title.

3. Rooftop Mounted Wind Energy Systems:

a. Roof mounted wind energy systems are prohibited in all residential zones.

D. Solar Energy System:

1. Design Standards For All Solar Energy Systems:

a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights of way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing antireflective coatings, etc.

b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in subsection 10-5-18 of this title related to fencing.

2. Building Mounted Solar Energy System:

- a. Setback: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to, but are not allowed to extend beyond the surface to which they are attached.
- b. Height: Building mounted solar energy systems are allowed to extend to the peak of any existing roof, regardless of height, subject to the restrictions of subsection D2b(1) of this section.
  - 1. Building mounted solar energy systems that are not visible from the public right of way may be bracket mounted or tilted on a roof to a maximum of not more than seven feet (7') above the surface of the roof at the highest finished pitch of the system but shall maintain one side of the array within twelve inches (12") of the roof surface. Roof mount systems that are visible from the street frontage right of way shall not have a highest finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted, and shall be mounted not higher than twelve inches (12") above the roof.

3. Ground Mounted Solar Energy System:

- a. Setback: Setbacks for ground mounted solar energy systems shall be the same as accessory structures found in Title 10, Chapter 4 and are prohibited within the front yard area and street side yard enclosure areas.
- b. Height: The maximum height allowed for ground mounted solar energy systems is twenty feet (20') measured from the surrounding natural grade to the highest point of the system.
- c. Ground mounted solar energy systems shall be enclosed by a fence according to the provisions of section 10-5-18

4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the city.

E. General Provision;

1. Abandonment:

- a. An inoperable system must be dismantled and removed promptly. If a system is not operated for twenty four (24) consecutive months it will be presumed that the system is inoperable.
- b. The homeowner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within sixty (60) days of the removal and decommissioning of the system.

2. Small Decorative Systems: Small systems less than three feet (3') in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.

3. Prohibited: This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 5 OF THE CITY CODE OF THE CITY OF CEDAR HILLS, UTAH, RELATING TO RENEWABLE ENERGY SYSTEMS.**

**WHEREAS**, pursuant to Utah Code Annotated § 10-9a-501, the City Council of the City of Cedar Hills (“City Council”) may adopt ordinances to govern the use and development of land within the City; and

**WHEREAS**, pursuant to Utah Code Annotated § 10-8-84, the City Council may adopt ordinances “necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the City and its inhabitants, and for the protection of property in the City”; and

**WHEREAS**, the City Council, following receipt of a recommendation from the Planning Commission, has determined that it is in the best interest of the public health, prosperity, comfort, and convenience of the City of Cedar Hills, and the residents thereof, to enact certain amendments to Title 10 of the City Code dealing with the requirements relating to renewable energy systems;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY CEDAR HILLS, UTAH, UTAH COUNTY, STATE OF UTAH:**

**PART I  
AMENDMENTS**

**Chapter 10-5-38  
RENEWABLE ENERGY SYSTEMS**

**10-5-38 A: PURPOSE OF RENEWABLE ENERGY SYSTEMS**

**10-5-38 B: SUBMITTAL REQUIREMENTS FOR ALL WIND AND SOLAR ENERGY SYSTEMS**

**10-5-38 C: WIND ENERGY SYSTEMS**

**10-5-38 D: SOLAR ENERGY SYSTEMS**

**10-5-38 E: GENERAL PROVISION**

**10-5-38 A: PURPOSE OF RENEWABLE ENERGY SYSTEMS:**

The purpose of this section is to allow renewable energy systems such as wind and solar within the city while protecting residential areas and other land uses from potential adverse impacts of these systems.

**10-5-38 B: SUBMITTAL REQUIREMENTS FOR ALL WIND AND SOLAR ENERGY SYSTEMS:**

1. Review Criteria: When a conditional use permit is required, the zoning administrator shall consider the following criteria in determining whether to approve a conditional use permit for any wind and/or solar energy system:
  - a. Proximity of the system to residential structures and residential district boundaries;
  - b. Possible negative impacts on surrounding properties, including, but not limited to, noise, shadow flicker, low frequency vibrations and the disruption of scenic views or other visual impacts;
  - c. Aesthetics of the system, including, but not limited to, height, wind vanes, color, type, size and the visibility of the system.
2. Utility Notification: All applicants shall submit evidence to the city that the relevant electric utility company has been informed of the customer's intent to install an interconnected customer owned wind and/or solar energy system. Off grid systems shall be exempt from this requirement.
3. Cables: Any cable connected to the wind and/or solar energy system must be undergrounded except for properties which obtain electric power service from aboveground lines and who are not otherwise required to underground.
4. Permit: All applicants shall make application by fulfilling all requirements of the city building permit application.

#### **10-5-38 C: WIND ENERGY SYSTEMS:**

1. Design Standard For All Wind Energy Systems:
  - a. Sound: Sound produced by the turbine under normal operating conditions shall be limited to 65 decibels measured at the property line, except during naturally occurring short term events like severe storms.
  - b. Shadow Flicker: The tower shall be located so as to eliminate the occurrence of shadow flicker on inhabited structures located on adjacent properties.
  - c. Signage: Signage is prohibited on the tower, blades, or accessory structures except for appropriate warning signs. Manufacturer identification may be placed on the turbine; however, advertising signs of any kind of prohibited.
  - d. Lighting: No illumination of the turbine or tower shall be allowed unless required by the federal aviation administration. When lighting is required, it shall be done in such a way as to reduce the effects on birds.
  - e. Signal Interference: The owner or operator shall make reasonable efforts to avoid all disruption or loss of radio, telephone, television, internet or similar wireless signals, and shall mitigate any harm caused by the wind energy system. Such owners may be subject to a notice of violation and administrative penalties if violation persists.
  - f. Accessory Buildings and Support Equipment: Buildings and support equipment associated with tower shall be defined as accessory structures and must comply with 10-4 of this title.
2. Small Wind Energy Systems:

- a. Tower Height:
    1. Residential Zones: The maximum tower height for small wind energy systems, including the blade, shall not exceed twenty feet (20') measuring from the adjacent finished grade to the tip of the blades at their highest point.
  - b. Blade Height: The minimum height of the lowest point of a turbine blade shall be fifteen feet (15') above ground.
  - c. Setback:
    1. The base of the tower shall be set back from all property lines, public rights of way, and aboveground public utility lines a distance equal to the tower height plus the length of one blade.
    2. The base of the tower shall not be located within any required front, side, or corner side yard area.
    3. The base of the tower and turbine blades shall be set back from all structures on the same property a minimum of ten feet (10').
    4. Wind energy systems shall not be allowed in street side yard setback area.
  - d. Access:
    1. Freestanding Tower: No climbing apparatus including foot pegs or rungs shall be within 12' of the ground on a freestanding tower.
    2. Lattice Tower: The towers shall be wrapped by a protective cover, including sheets of metal, wood or similar barrier on the bottom of the lattice tower so that it cannot readily be climbed. Latticed towers shall be fenced according to the provision of 10-5-18 of this Title.
3. Rooftop Mounted Wind Energy Systems:
- a. Roof mounted wind energy systems are prohibited in all residential zones.

#### **10-5-38 D: SOLAR ENERGY SYSTEM:**

1. Design Standards For All Solar Energy Systems:
  - a. Reflection: Steps shall be taken to minimize the amount of reflected sunlight onto neighboring structures and rights of way in order to reduce safety hazards. This includes, but is not limited to, altering system angles and locations, utilizing antireflective coatings, etc.
  - b. Screening: All ground mounted solar energy systems shall screen utility and mechanical equipment as required in subsection 10-5-18 of this title related to fencing.
2. Building Mounted Solar Energy System:
  - a. Setback: Building mounted solar energy systems shall meet the same setbacks as are required for the building the system is mounted to, but are not allowed to extend beyond the surface to which they are attached.

- a. Height: Building mounted solar energy systems are allowed to extend to the peak of any existing roof, regardless of height, subject to the restrictions of subsection D2b(1) of this section.
- 1) Building mounted solar energy systems that are not visible from the public right of way may be bracket mounted or tilted on a roof to a maximum of not more than seven feet (7') above the surface of the roof at the highest finished pitch of the system but shall maintain one side of the array within twelve inches (12") of the roof surface. Roof mount systems that are visible from the street frontage right of way shall not have a highest finished pitch more than five percent (5%) steeper than the roof pitch on which the system is mounted, and shall be mounted not higher than twelve inches (12") above the roof.
3. Ground Mounted Solar Energy System:
  - a. Setback: Setbacks for ground mounted solar energy systems shall be the same as accessory structures found in Title 10, Chapter 4 and are prohibited within the front yard area and street side yard enclosure areas.
  - b. Height: The maximum height allowed for ground mounted solar energy systems is twenty feet (20') measured from the surrounding natural grade to the highest point of the system.
  - c. Ground mounted solar energy systems shall be enclosed by a fence according to the provisions of section 10-5-18
4. Solar Easement: Solar easements are not a requirement for city approval; nonetheless, a property owner who has installed or intends to install a solar energy system may negotiate a solar easement with adjacent property owners to ensure perpetual sun on the property. Any easement agreed upon must be recorded by the county recorder, with a copy provided to the city.

**10-5-38 E: GENERAL PROVISION:**

1. Abandonment:
  - a. An inoperable system must be dismantled and removed promptly. If a system is not operated for twenty four (24) consecutive months it will be presumed that the system is inoperable.
  - b. The homeowner is responsible for reclaiming the land using natural vegetation and to the greatest extent possible the land shall be fully restored within sixty (60) days of the removal and decommissioning of the system.
2. Small Decorative Systems: Small systems less than three feet (3') in diameter or width that use direct current solely for decorative or yard lighting are exempt from permit requirements and restrictions of this section.
3. Prohibited: This section does not permit large scale projects which include multiple wind and/or solar energy systems designed to produce energy for wholesale purposes.

**PART II**

**PENALTY AND ADOPTION**

**A. CONFLICTING PROVISIONS**

Whenever the provisions of this ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

**B. PROVISIONS SEVERABLE**

This ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**C. AMENDMENT TO BE ADDED TO CITY CODE**

The City Council hereby authorizes and directs that insert pages reflecting the provisions enacted hereby shall be made and placed in the City Code, Title 10.

**D. PENALTY**

Hereafter these amendments shall be construed as part of the City Code of the City of Cedar Hills, Utah, to the same effect as if originally a part thereof, and all provisions of said regulations shall be applicable thereto, including, but not limited to, the enforcement, violation and penalty provisions.

**E. EFFECTIVE DATE**

This ordinance shall take effect upon its passage and publication as required by law.

**PASSED AND ORDERED POSTED BY THE CITY COUNCIL OF THE CITY OF CEDAR HILLS, UTAH, THIS 15TH DAY OF NOVEMBER, 2016.**

APPROVED:

\_\_\_\_\_  
Gary R. Gygi, Mayor

ATTEST:

\_\_\_\_\_  
Colleen A. Mulvey, City Recorder