

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 21, 2024

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 7:00 p.m. The following members were present by a roll call, constituting a quorum:

Roll Call

Mellonee Wilding	Chairman
Jared Holmgren	Vice-Chair
Lonnie Jensen	Excused
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Excused
Jennifer Jacobsen	Member
Vance Smith	Excused

the following Staff was present:

Scott Lyons	Com. Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	Excused
Boyd Bingham	Excused
Diane Fuhriman	Excused

Chairman Mellonee Wilding called the meeting to order at 6:50 p.m.

The Invocation was offered by **Commissioner Jennifer Jacobsen**.
Pledge was led by **Commissioner Jared Holmgren**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the February 15, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jared Holmgren** to approve the minutes as written. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

SELECT A CHAIR AND VICE CHAIR TO SERVE A TERM OF ONE (1) YEAR

MOTION: A Motion was made by **Commissioner Jared Holmgren** to nominate Mellonee Wilding as chair and Jed Pugsley as vice-chair of the Planning Commission for a term of one (1) year. The motion was seconded by **Commissioner Steve Zollinger** and passed unanimously.

UNFINISHED BUSINESS

VALLEY VIEW ESTATES PH. 3, SS22-024, Request for preliminary approval of an 8-lot subdivision located at approximately 550 West 7150 South in the South Willard area of Unincorporated Box Elder County. ACTION

Staff explained this application was tabled on March 16, 2023 for one year. The applicant was not ready to move forward at that time. As of today’s date, an updated plat has yet to be received. Staff recommends either denying the preliminary plat as it has not met the county subdivision standards or tabling preliminary approval again. If the application is denied by the Planning Commission, the applicant would need to reapply. Before they could reapply with the county, they would need to petition Willard City for annexation. If Willard City accepts their proposal, the applicant would continue with Willard City.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to deny application number SS22-024 a preliminary plat for Valley View Estates PH. 3, based on no action on the part of the applicant for more than 12 months and the road and water line issue may work out better in Willard City. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

SILVER EAGLE SUBDIVISION, SS23-025, Request for preliminary approval of a 4-Lot subdivision located at approximately 1700 S Willard Peak Road in the Mantua area of Unincorporated Box Elder County. ACTION

Staff said this item came before the Planning Commission in January. Some items needing to be wrapped up were the access points, the number of lots on accesses, the geotechnical study, and additional county department reviews. The applicant has been working on all of these items and the geotechnical report has been submitted. The county engineer’s review of the geotechnical report included many of the suggestion from the report that apply to construction on those lots. Staff is missing final reviews from the road department and the county engineer, but understands both plan on approving the most recent submission. Staff recommends approval.

MOTION: A Motion was made by **Commissioner Steve Zollinger** to approve application number SS23-025 a preliminary plat for Silver Eagle Subdivision and adopting the conditions and findings of staff.. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

CONDITIONS:

1. Compliance with review and approval by the County Engineer and Roads Department.
2. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
3. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
4. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.
5. The geotechnical report be adhered to as to the development of the lots and the construction of homes.

PUBLIC HEARINGS – NONE

NEW BUSINESS

ROCKET II SOLAR, SP24-002, Request for phase 2 of a solar farm located at approximately Golden Spike Dr. and HWY 83 South of Howell area of Unincorporated Box Elder County. ACTION

Staff explained the applicant is asking to table this item due comments received from the county engineer. They are working with the county engineer to finalize the application before bringing it before the Planning Commission for approval.

MOTION: A Motion was made by Commissioner Jared Holmgren to table application SP24-002 for up to 90 days as per applicant request. The motion was seconded by Commissioner Steven Zollinger and unanimously carried.

STEEL II SOLAR, SP24-003, Request for phase 2 of a solar farm located at approximately 6500 West 20800 North in the Plymouth area of Unincorporated Box Elder County. ACTION

Staff explained the applicant is asking to table this item due comments received from the county engineer. They are working with the county engineer to finalize the application before bringing it before the Planning Commission for approval.

MOTION: A Motion was made by Commissioner Jared Holmgren to table application SP24-003 for up to 90 days as per applicant request. The motion was seconded by Commissioner Steven Zollinger and unanimously carried.

MARBLE COMPLEX SITE PLAN, SP24-001, Request for Site Plan approval for an additional building at an existing commercial site located at approximately 11175 West 11200 North in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said this is an existing parcel with an existing commercial building currently being used as a dance studio. The proposed building would consist of a daycare, sports court, and an apartment. The zoning to the north is Rural Residential 5-acre and to the south is Unzoned. When the application was before the Planning Commission last month, concerns were expressed by the Bear River Canal Company with regards to access, parking, fencing and drainage. These items may disrupt the canal company's ability to continue to use the easement. Since then, the applicant has met with their engineer and the canal company, and has come to a verbal agreement as to how the site would look. Staff is waiting to hear from the county engineer to finalize the calculations to insure the retention basin is sized and constructed appropriately for the amount of hard surface on the property.

Staff read letters from the Bear River Canal Company and the applicant's engineer.

(See Attachment No. 2 and 3 – Letters.)

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application number SP24-001 a Site Plan for a daycare, sports court and an apartment and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Steve Zollinger** and unanimously carried.

CONDITIONS:

1. Submission and approval by planning staff of Site Plan showing updated fencing and east access as agreed upon and described in email exchange with applicant, applicant's engineer, and BRCC.
2. Final approval and compliance with review from the County Engineer.
3. All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
4. All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
6. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
7. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
8. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

WORKING REPORTS

Lighting Ordinance

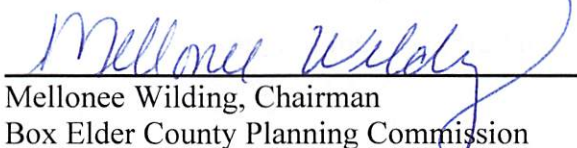
Staff has been working with Dean Lester from Friends of the Bear River Bird Refuge to address outdoor lighting issues in Box Elder County. Initially a section was added to Chapter 5 but after realizing how intensive the issue is, the section was converted to a chapter format. Staff is pleased with how it is coming together. Some of the points being addressed are shielding, standard heights, brightness and lumens and how and when to measure those. Staff will email the chapter to the commissioners to review and add their comments and suggestions to the chapter.

(See Attachment No. 4 – Draft, Outdoor Lighting Standards.)

PUBLIC COMMENTS - NONE

ADJOURN

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to adjourn commission meeting. The motion was seconded by **Commissioner Jared Holmgren** and meeting adjourned at 7:45 p.m.


Mellonee Wilding, Chairman
Box Elder County Planning Commission



Scott Lyons <slyons@boxeldercounty.org>

Marble Family Site Plan Approval

1 message

Trevor Nielson <trevor@brcanal.com>

Fri, Mar 15, 2024 at 3:27 PM

To: "slyons@boxeldercounty.org" <slyons@boxeldercounty.org>

Dear Scott,

I just wanted to confirm that Trent is accurate. Although I don't foresee any issues in entering the agreement, my experience has taught me they take time and sometimes people are not willing to do everything they said they were willing once it is down on paper. I am comfortable with it appearing on the planning commission meeting agenda next week, but I would recommend that if an approval is sought by the applicant, the approval be conditioned on the county receiving a signed copy of the agreement between the canal company and the Marbles to confirm the issues have been resolved. If that is not a possibility, I would request they table the agenda item allowing us time to draft and sign an agreement.

I also have not seen the adjusted site plan, so I need to see that before I can confirm we see a path forward.

Sincerely,

Trevor Nielson

General Manager

Bear River Canal Company

[275 N 1600 E](#)[Tremonton, UT 84337](#)Office: [435-257-5975](#)Cell: [435-535-1761](#)



Scott Lyons <slyons@boxeldercounty.org>

Marble Site Plan

1 message

Trent Williams <twilliams@ensignutah.com>

Fri, Mar 15, 2024 at 10:34 AM

To: chantrymarble@gmail.com, trevor@brcanal.com, Scott Lyons <slyons@boxeldercounty.org>

Morning all,

I think we've been able to come to an understanding between the canal company and the Marble Family. We are currently working on updating our site plan to reflect the updates.

The Marble Family will fence the canal easement along their property line, with a jog around the building for access around the East side. Where the fence jogs around the building and enters the easement area, the fence will be built so it can be removed if/when the canal company needs to complete and work in their easement. The Marble family will also agree not to asphalt the easement area or push snow into the canal (won't be possible with the fence).

Chantry/Dee and BRC will work out the details above and enter into an agreement that gets recorded against the property.

Scott,

If we can move forward with the county approvals, with the understanding that this is being worked out, that would keep us on schedule.

Chantry and Trevor,

I'll stop playing middle man now and let you two work out drafting the document.

Please let me know if you have any questions or if I missed anything.

Trent Williams, PLS, Associate

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Chapter 5-9: Outdoor Lighting Standards

Sections.

5-9-010:	Purpose
5-9-020:	Definitions
5-9-030:	General Standards
5-9-040:	Property Lighting
5-9-050:	Specific Standards
5-9-060:	Exemptions
5-9-070:	Procedures for Compliance
5-9-080:	Legal Nonconforming Lighting

5-9-010: Purpose.

The Purpose of the Box Elder County Outdoor Lighting Ordinance is to establish regulations and guidelines for outdoor lighting that enhance public safety and security while preserving the night sky.

5-9-020: Definitions.

Certain words and phrases in this Chapter are defined in Chapter 1-3 of this Code.

5-9-030: General Standards.

1. Light Shielding and Direction: Unless specifically exempted below, all outdoor lighting shall be fully shielded and downward directed in compliance with the following:
 - a. No artificial light source shall project direct artificial light into the nighttime sky;
 - b. No artificial light source shall be placed at a location, angle, or height that creates a light trespass;
 - c. The shielding shall be made of completely opaque material such that light escapes only through the bottom. Shielding that is translucent, transparent, has perforations or slits of any kind, or allows light to escape through it in any other manner is not permitted; and
 - d. Shielding may be attained by light fixture design, building design, or other site design features such as fencing, walls, or other screening; provided, it is in strict compliance with subsections B1a through B1c of this section.

5-9-040: Property Lighting.

1. Spot or flood lighting from a building or other structure is prohibited;
2. The overall height of any light, on a pole or building, used to illuminate the property shall not exceed twenty feet (20');
3. All parking lot lighting shall use full cutoff fixtures along property lines.

5-9-050: Specific Standards.

In addition to the general standards of section 5-9-030 of this section, the following are specific standards that apply to certain lighting types and circumstances:

1. Canopy Lighting: All direct artificial light sources shall be shielded or recessed and shall not produce more than an average of twenty-five (25) foot-candles under the canopy;
2. Property Lighting: All artificial outdoor light sources shall not exceed one (1) foot-candle at property line;
3. Flickering or flashing lights shall not be permitted;
4. Property and Canopy Lighting: Dimming controls shall be installed, which allow the lighting to dim below the required average foot-candles.
5. Fixtures, Lamps, and Bulbs: Shall not exceed a maximum Correlated Color Temperature (CCT) of 3,000 degrees Kelvin (as listed on the packaging or otherwise).

5-9-060: Exemptions.

The following light sources are exempt from the requirements of this chapter:

1. Federal and state flag lighting;
2. Seasonal Lighting: Outdoor lighting; provided, it is in compliance with the following:
 - a. Lighting shall not create a hazard or glare nuisance; and
 - b. The lighting shall be temporary (less than ninety (90) days in a calendar year);
3. Low-Output Light Source: An artificial light source having an output equal to or less than one hundred five (105) lumens; provided, that the cumulative lumen output of all low output light sources shall not exceed a ratio of one and one-half (1½) lumens per square foot of cumulative illuminated area. This ratio shall be calculated by combining the total lumen output of each low-output light source divided by the square footage of the area intended to be illuminated;
4. Motion Sensor Controlled Light Source: An artificial light source that has a light output equal to or less than nine hundred (900) lumens and is controlled by a motion sensor; provided, it is in compliance with the following:
 - a. The motion sensor is set to turn the artificial light source off no more than ten (10) minutes after the last detection of motion; and
 - b. The artificial light source is sufficiently shielded in a manner that prevents light trespass;

5. Tower Lighting: Tower lighting required by the FAA or the FCC; provided, that it shall not exceed the minimum requirements of those agencies. Collision markers shall have a dual mode for day and night to minimize impact to the night sky and migrating birds;
6. Traffic control devices and city facilities.
7. Lighting for public athletic fields, courts, and recreational play areas provided the lighting is shielded and directed in a manner that minimizes light trespass.
8. Temporary lighting for approved special events including outdoor concerts, theatrical performances, community events, or film production.
9. Single and Two Family Residential: Single and Two Family Residences in compliance with the following:
 - a. Exterior lights are down lighting so that lighting does not trespass to adjoining properties.
 - b. All exterior lighting shall be shielded, hooded, or directed so that no direct light is allowed to directly trespass onto adjacent properties.

5-9-070: Procedures for Compliance.

Prior to occupancy a commercial development shall be required to provide plans indicating the location of all artificial light sources on the premises. The required plans shall be presented in a manner that clearly demonstrates the development's compliance to the Box Elder County Outdoor Lighting Ordinance.

5-9-080: Legal Nonconforming Lighting.

1. Upon the adoption of this ordinance, all outdoor lighting fixtures not in conformity herewith shall be considered legal nonconforming outdoor lighting (i.e., grandfathered use), provided they were in compliance with the lighting regulations in effect at the time of their installation, modification, expansion, or relocation.
2. Any modification, expansion, or relocation of existing lighting fixtures, constituting a change or expansion of 50% or more of the existing lighting, on a commercially used property shall require compliance with this ordinance.