

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES APRIL 18, 2024

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

*the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	County Planner
Destin Christiansen	County Planner
Stephen Hadfield	County Attorney
Boyd Bingham	Excused
Diane Fuhriman	Executive Secretary

Chairman Mellonee Wilding called the meeting to order at 7:00 p.m.

The Invocation was offered by Commissioner Lonnie Jensen.

Pledge was led by Commissioner Jennifer Jacobsen.

**The following citizens were present & signed the attendance sheet**

See Attachment No. 1 – Attendance Sheet.

The Minutes of the March 21, 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.

**UNFINISHED BUSINESS**

**SOUTH WILLARD STORAGE, SP22-005, Request for approval for a storage unit facility located at approximately 8980 South Highway 89 in the South Willard area of Unincorporated Box Elder County. ACTION**

Staff said the applicant is seeking site plan approval for 496 storage units in the South Willard area. This request was tabled in October 2023 to allow time for county departments to review the application. The county engineer is currently the only remaining department to review the application and is asking for a geo- technical report, updated storm water calculations, and grading plan irregularities to be corrected.

The surrounding land uses are Rural Residential and Agriculture to the north, zoned as RR-1; to the south is Rural Residential, zoned as Commercial General; to the east is UDOT, zoned as Commercial General, and to the west the land use is Agriculture and zoned as R-1-20.

Staff read the standards for approval for conditional uses from Section 2-2-100(E) as follows:

1. Conditions may be imposed as necessary to prevent or minimize the anticipated detrimental effects

of the use on adjacent properties and within the zoning district, or upon public facilities and services.

Such conditions shall be expressly set forth in the approval authorizing a conditional use permit.

2. The Planning Commission may request additional information as may be reasonably needed to determine whether the requirements prescribed by this Code and other applicable Codes, can be met or need mitigation.

3. The following standards should be reviewed and considered in determining whether a conditional use

permit application should be approved, approved with conditions, or denied:

a. Compliance with Development Standards found in specific chapters of this Code

b. Mitigation of reasonably anticipated detrimental effects arising from the conditional use including, but not limited to:

1. Decreased street service levels and/or traffic patterns including the need for street modifications such as dedicated turn lanes, traffic control devices, safety, street widening, curb, gutter and sidewalks, location of ingress/egress, lot surfacing and design of off-street parking and circulation, loading docks, as well as compliance with off-street parking standards.

2. Negative impacts on the adequacy of utility systems, service delivery, and capacities, including the need for such items as relocating, upgrading, providing additional capacity, or preserving existing systems.

3. Negative impacts on connectivity and safety for pedestrians and bicyclists.

4. Detrimental effects by the use due to its nature, including noise that exceeds sound levels normally found in residential areas, odors beyond what is normally considered acceptable within the district including such effects as environmental impacts, dust, fumes, smoke, odor, noise, vibrations; chemicals, toxins, pathogens, gasses, heat, light, electromagnetic disturbances, glare, and radiation. Detrimental effects by the use may include hours of operation and the potential to create an attractive nuisance.

5. Environmental impacts that increase the risk of contamination of or damage to adjacent properties and injury or sickness to people such as waste disposal, fire safety, geologic hazards such as fault lines, soil or slope conditions, liquefaction potential, site grading/topography, storm drainage/flood control, high ground water, environmental health hazards, or wetlands.

6. Modifications to signs and exterior lighting to assure proper integration of the use.

7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior detailing/finishes and colors within the neighborhood in which the conditional use will be located.

8. Reduction in the tax base and property values.
9. Reduction in the current level of economy in governmental expenditures.
10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
11. Reduction in usable open space.
12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.

Staff stated substantial progress has been made since this came before the commission last year. Staff recommends approval subject to the conditions listed in the staff report.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to approve application SP22-005, a Site Plan for a storage unit facility located in the South Willard area of Unincorporated Box Elder County and adopting the conditions and findings of staff and modified by the conditions below. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Compliance with Section 2-2-100, Conditional Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from all county departments.
4. Submission of a geotechnical report for review by the county engineer.
5. All lighting shall be downward directed and be 100% shielded in order to prevent light pollution onto neighboring properties.
6. Any proposed signage shall be in compliance with Chapter 5-3 of the Box Elder County Land Use Management & Development Code.
7. Access within the site should be maintained and kept open and free from debris as required by the Fire Marshal to provide adequate access for fire protection.
8. All grounds shall be maintained in accordance with Section 5-1-300, Conservation of Values, of the Land Use Code. The site shall be maintained free of inappropriately stored flammable materials. Materials that are customary to the business shall be stored in accordance with applicable laws.
9. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
10. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**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 county engineer is waiting to see studies on the proposed drainage system. The studies will not be completed until the time of the building permit. All other applicable departments have reviewed and approved the request. Staff feels comfortable with the commission approving the site plan subject to county engineer approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve application SP24-002, a Site Plan for a solar farm located in the Howell area of Unincorporated Box Elder County and adopting the conditions and findings of staff, and upon the drainage system being reviewed and approved by the county engineer. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

**CONDITIONS:**

1. Compliance with all comments from staff.
2. Rocket Solar II provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
3. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**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 county engineer is waiting to see studies on the proposed drainage system for this site in the Plymouth area. Staff feels comfortable with the commission approving the site plan subject to county engineer approval.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve application SP24-003, a Site Plan for a solar farm located in the Plymouth area of Unincorporated Box Elder County and adopting the conditions and findings of staff, and upon the drainage system being reviewed and approved by the county engineer. The motion was seconded by **Commissioner Jed Pugsley** and unanimously carried.

**CONDITIONS:**

1. Compliance with all comments from staff.
2. Steel Solar II provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
3. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**PUBLIC HEARINGS**

Chairman Mellonee Wilding explained public hearings provide an opportunity for the public to voice their concerns or approval on an item. The commissioners will not answer questions during the public hearing.

**ROBLES REZONE, Z24-003, Request for a zone change of 2 acres from A-20 (Agriculture-20 acres) to C-G (Commercial-General) and 5.70 acres from A-20 (Agriculture-20 acres) to RR-5 (Rural Residential-5 acres) located at approximately 12418 West Faust Valley Road in the Bothwell area of Unincorporated Box Elder County. ACTION**

Staff explained county code allows a property owner to apply for and request a rezone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Staff read the standards for reviewing zoning map amendments and how they apply to this request.

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** The County's General Plan states: This plan suggests that most growth should occur in the cities and towns. The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

Current zoning is generally a 5-acre agricultural designation, but many of the lots are much larger. As part of the larger agricultural heritage area, 20-acre zoning is more appropriate. To assess the potential for some areas to be rezoned to the larger lot designation, a lot size analysis should be completed. Agricultural protection zones on individual properties may prevent that from occurring, since owners in such zones have the right to reject zoning changes that impact their property.

Future Land Use: as part of the agricultural heritage area large lot zoning should remain, to encourage continued agricultural activity. A GIS lot size analysis should be performed to evaluate additional zoning options. Irrigation capabilities and water rights should be studied to assure the current system can serve the area in the future.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** The area is mainly agricultural uses with residential as well (Marble Hill Estates is in close proximity). The Planning Commission needs to decide if a C-G and RR-5 zone could be considered harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** This is unknown. The public hearing process may bring forth additional information.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** It is unknown what the extent of the adequacy of facilities is in this area but water may be a limiting factor.

The public hearing was then opened for comments.

Tiffani Summers, Bothwell, thanked the commissioners for serving the community and for the opportunity to voice their concerns. She stated the Bothwell community is agriculturally based and has had a community plan and zones in place for generations. There are businessmen and developers with ulterior motives creeping in on all sides of the community. The farmers and ranchers in our area are finding it more and more difficult to survive. She asked the commissioners to uphold the community plan and zones already in place so they can protect the grazing land and farm ground from encroaching businesses and developments.

Blaine Summers, Bothwell, read letters from Bothwell residents Calvin Bingham, Don and Kim Anderson, and Bernard Hill opposing the proposed rezone. Mr. Summers feels the Commercial General zone is not compatible with the farms and ranches in the area. He asked the Planning Commission to deny the zone change.

*(See Attachment No. 2 – Letters.)*

Jerry Day, Bothwell, is concerned with hazmat material being dumped in the area. There are water wells, West Corinne Water, and cemetery water which could be contaminated by allowing in a diesel shop.

Wes Firth, Thatcher, stands with what has already been said. The area is a beautiful community and if one commercial property is opened up, it will avalanche into a lot more.

Joe Summers represents Bothwell Water and said they do not have the facilities to support fire protection and is also concerned with hazmat for his own wells. He opposes the proposed zone change.

Lynn Summers, Thatcher, said they are all farmers and ranchers and would hate to see the community change. He said the Planning Commission has the power to enforce the zones already in place and hopes they will.

Angela Tomlinson, Thatcher, is also opposed to the proposed zone change and supports what has already been said.

Lee Summers, Bothwell, stated he has been a part of the RR-5 zone his whole life and feels the lifestyle is a great way to raise a family. He said we do not need anything industrial coming in.

Ross Summers, Bothwell, stands with the current zoning and worries about the consequences of what this zone change could snowball into.

Nick Newman, Bothwell, agrees with what everyone has said. It is hard enough keeping afloat with the competition that has already come in.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Robles Rezone, Z24-003. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

## ACTION

Commissioner Mellonee Wilding complemented those in attendance for being kind and respectful, and concise in their comments.

Staff explained the Planning Commission will need to determine if the proposed map amendment meets the Approval Standards found in Section 2-2-080(E) of the Box Elder County Land Use Management and Development Code.

Commissioner Steven Zollinger explained the Bothwell community formed a committee in 2004 to establish a community plan. The plan states that no residence shall be smaller than 5 acres. This was not to dissuade growth, but to limit growth. He feels the comments made in the public hearing reflect what the residents want. Commissioner Zollinger thinks the commission should also take into consideration the County's General Plan of preserving agriculture as they review this rezone request.

Commissioner Mellonee Wilding said because of the zoning in the County's General Plan and not being sure Commercial General and Residential zones are harmonious together, she feels this request does not meet the four standards for zoning map amendments. Lack of water may also be an issue as stated in the public hearing by the representative from Bothwell Water.

**MOTION:** A Motion was made by Commissioner Jed Pugsley to forward a recommendation of denial to the County Commission for application Z24-003, a zoning map amendment from A-20 (Agriculture 20 acres) to the RR-20 (Rural Residential 20,000 sq. ft.) zone based on not meeting the standards for zoning map amendments in Box Elder County code. The motion was seconded by Commissioner Jennifer Jacobsen and passed unanimously.

## ORDINANCE TEXT AMENDMENT, Z24-002, Request for a text amendment to Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management & Development Code. ACTION

Staff explained this text amendment, if approved, will create a lighting standard ordinance for the unincorporated areas of Box Elder County.

Staff read the standards for reviewing text amendments as they apply to this request as follows:

**A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan;** Subsection 24.3 (Visual Resources) of Appendix C (Resource Management Plan) of the County's General Plan states that, "Box Elder County desires to manage light pollution in the rural portions of the county" and "Support efforts to reduce or mitigate limited light pollution in rural and undeveloped portions of Box Elder County...this would include considering how additional lighting from a proposed project would impact Great Salt Lake resources and visitor experience." Further, the County plan states that future land use decisions will consider the following: promoting development patterns consistent with, and sensitive to, resident preferences; and balancing private property rights with public interests.

**B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;** This text amendment would apply to all outdoor lighting for any type of proposed development in unincorporated Box Elder County. The Planning Commission needs to decide if this amendment would be harmonious.

**C. The extent to which the proposed amendment may adversely affect adjacent property;** One of the goals of the proposed amendment is to not adversely affect adjacent property. However, the public hearing process may shed additional light (no pun intended) on this subject.

**D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.** The proposed text amendment is county-wide and should not have an effect on the adequacy of facilities.

The public hearing was then opened for comments.

Shaun Thornley, Harper Ward, thanked the commissioners and staff for their service. He has read through the ordinance several times and is in favor of approval. The ordinance does not seem to be overreaching, allowing him to do what he wants with lighting on his own property but not allowing him to trespass light onto other peoples' property. Mr. Thornley said we have gone from incandescent and fluorescent lights to LED and halogen lights that are super bright and the light shines for a long distance. He thinks this is a common sense standard and a well-intentioned ordinance.

Applicant Dean Lester stated he has worked closely with the county planners. They have considered codes from across the state and have made improvements to Box Elder County's code. He is in complete agreement with the planners and asked the Planning Commission to forward a recommendation of approval to the County Commission for the ordinance text amendment.

Hearing no further comments, a motion was made by **Commissioner Jared Holmgren** to close the public hearing on the Ordinance Text Amendment, Z21-012. The motion was seconded by **Commissioner Steven Zollinger** and passed unanimously.

## **ACTION**

Staff recommends approval be forwarded to the County Commission.

**MOTION:** A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of approval to the County Commission for application Z24-002, a request for a text amendment to Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management & Development Code and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.



**CONDITIONS:**

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

*(See Attachment No. 3 – Outdoor Lighting Standards.)*

**NEW BUSINESS**

**LOOKOUT MOUNTAIN SUBDIVISION PHASE 2, SS24-005, Request for preliminary plat approval of a 10-Lot phase 2 subdivision located at approximately 16250 North 6000 West in the Riverside area of Unincorporated Box Elder County. ACTION**

Staff said the plat shows the lot layout, street layout and street pattern. Once approved, the applicant would submit for final plat approval which would show how the subdivision is going to function and include any improvements. The first phase has been reviewed and approved for Lots 1-10. Phase 2 is proposing Lots 11-20, eight of which are 1.75 acres and the two southern-most lots are a little over 2 acres. The surrounding area is Unzoned and is primarily used as Rural Residential and Agriculture.

Staff explained the county surveyor and fire marshal have reviewed the plat and have requested some changes and have general notes regarding improvements. The review from Planning & Zoning shows the maximum block length allowed is 1320 feet. The north/south block length of 6125 West is 1540 feet; this would either need to be reduced or a variance obtained. The detention basin on Lot 20 must be on its own parcel and dedicated to the county. The applicant must provide a copy of a title report. The subdivider must work with USPS for location and type of mailboxes; the location must also be shown on the plat. Staff stated the preliminary plat does not comply with county development standards and recommends tabling the proposed plat until these five items are brought into conformance.

**Commissioner Mellonee Wilding** thinks the block issue alone is big enough for this request to be tabled.

**MOTION:** A Motion was made by **Commissioner Jed Pugsley** to table application SS24-005, a request for preliminary plat approval for up to six months. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**AMENDED MOTION:**

An amendment to the motion was made by **Commissioner Jed Pugsley** to table application SS24-005, a request for preliminary plat approval, for up to six months to allow the applicant time to address the items from the county department reviews and meet the conditions listed below. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Submission of a current title report for Phase 2.
2. Compliance with review and approval by the County Surveyor, Engineer, Fire Marshal, Roads Department, and Building Official.
3. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
4. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
5. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

**CONDITIONAL USE PERMIT, CUP24-002, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 14865 North 4400 West in the East Garland area of Unincorporated Box Elder County. ACTION**

Staff said the applicant seeks to build an approximate 1600 sq. ft. accessory dwelling unit. The surrounding land uses are Rural Residential and Agriculture, the surrounding zoning is Unzoned. The request meets all the standards of the Conditional Use Permit Section and Chapter 5-6-060(D) for Accessory Dwelling Units. Staff has prepared an affidavit for the applicant to sign and have recorded if the Planning Commission chooses to approve the request.

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to approve Application CUP24-002 and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Jared Holmgren** and unanimously carried.

**CONDITIONS:**

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Chapter 2-2-100, Conditional Use Permit and Chapter 5-6, Accessory Dwelling Units, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable county, state, and federal laws regulating the proposed use, including all licenses, permits, etc.

**WORKING REPORTS**

**Heritage Homestead – RV Park Text Amendment**

Staff explained Mitchell James submitted an application regarding R.V. parks. Currently the county land use code addresses R.V. parks and mobile home parks in the same section of code. Mr. James has had experience with R.V. parks from living in an R.V. short term, to living in an R.V. while doing contract work in a city for three years. He has found our county code to be quite restrictive and wanted to propose some updated language. Staff and Mr. James have reviewed and revised the proposed language and gave the commissioners a copy to review. Staff said more revisions of the draft will be needed.

**Commissioner Mellonee Wilding** would like to review the submission before asking questions.

**Geotechnical Report Text Amendment – Commissioner Zollinger**

Commissioner Zollinger said he has been contacted by residents who are having septic tank problems. The individuals do not understand why the perk testing was done at a time of year when the water table was low. Commissioner Zollinger contacted Mark Rees with the Bear River Health Department and was told those tests are done at the time they come into his office. He would like to direct staff to see if those studies could be done when the water comes in the canal so the testing would reflect where the water table would be.

Staff's understanding of when a geotechnical report is submitted and is reviewed by the county engineer, they are looking at layers of sediment and can see historic high water tables. The perk test is more of a snapshot.

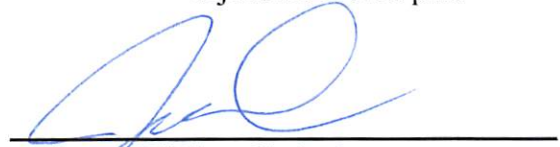
Commissioner Wilding stated septic systems are regulated by the health department, they are not something the Planning Commission has jurisdiction over and therefore cannot make a ruling on. The geotechnical reports are done by engineers who are experts at septic systems.

Staff said they would reach out to a geotechnical engineer to see what kind of groundwater snapshot the county is getting and will report back to the commission.

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by Commissioner Jared Holmgren to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 9:05 p.m.



Mellonee Wilding, Chairman  
Box Elder County Planning Commission



## PLANNING COMMISSION MEETING

**Thursday April 18, 2024**

NAME	ADDRESS	AGENDA ITEM
Lee T Summers	9660 W 11200 N Tremonton	
Katherine Summers	9660 W 11200 N Tremonton	Rebels Rezone
Tiffani Summers	12420 W Faust Valley Rd Bothwell	Robles Rezone
Mick Newman	11460 N Canal Park Rd Bothwell, UT	
Lissie Newman	11460 N Canal Park Rd Bothwell, UT	
Wesley Firth	10295 W 10400 N Tremonton	Robles Rezone
Hattie Firth	10295 W 10400 N	Robles Rezone
Bailey Firth	10295 W 10400 N	Robles Rezone
Jerry Day	11740 W. 11200 N.	Robles Rezone
Justin Fawson	14865 N 4400 W Garland	Jared Fawson ADU
Jared Fawson	14865 N 4400 W Garland	Jared Fawson ADU
Shaun Thornley	3365 N Hwy 38	Light ordinance
Mitchell James	452 E 250 S, Meadows, Utah	RV ordinance
DEAN LESTER	120 N 300 E BRIGHAM	Light Ordinance
Steve Haddfield	210 N. Highland Brigham City	County Attorney
Angela Tomlinson	11075 N 11600 W Thatcher	Rezone Fauste Rd <sup>valley</sup> 12300 W
Gene Summers	9580 N. 10800 W. Thatcher	Robles Rezone
Ross Summers	11165 N 10800 W Tremonton	Robles Rezone
Lynn Summers	9580 N 10800 W Tremonton	Robles Rezone
Layne Summers	12420 W. Faust Valley Rd. Bothwell	Robles Rezone

**PLANNING COMMISSION MEETING**  
**Thursday April 18, 2024 pg. 2**

NAME	ADDRESS	AGENDA ITEM
Joseph Summers	11100 W. 11200 N TREMONTON	Robles Zone
Janiece Summers	11100 W. 11260N Tremont	Robles Zone

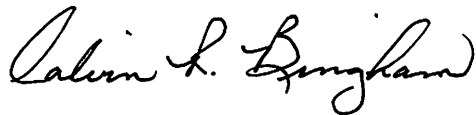
PLEASE PRINT

April 17, 2024

To Whom It May Concern:

I feel a need to express my opinion and concern with respects to the desire by some to change the zoning regulations. When my family moved out to the Bothwell community in 1965 the majority of the citizens were farmers and ranchers. That was my father's occupation also and we continue to own the farm. Over the course of the years and particularly during the last three to five years, I have received numerous requests to sell our farm. While I no longer operate my farm, I have made the decision to rent it out to a young man who enjoys farming. I have repeatedly told perspective buyers that I'm not interested in selling the farm. Their interest, I am convinced, is not because they want to farm the land, but rather to turn it into a housing development. If we allow changes to be made in our zoning ultimately, it will result in additional requests for zoning changes. It will open the flood gates and we will see additional requests for changes which will change the landscape of our community. I love our rural setting and I love this lifestyle – and I love to eat. It is hard to eat asphalt and cement. My suggestion and request are that no changes be made. Leave the zoning as it currently. This will allow those who enjoy this lifestyle continue to enjoy it – and make a living.

Sincerely,

A handwritten signature in cursive script that reads "Calvin R. Bingham". The signature is written in black ink and is positioned above the printed name.

Calvin R Bingham

Owner of DRB Corporation

April 18, 2024

To:

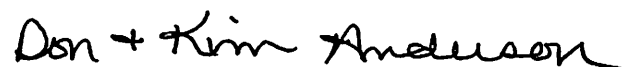
Scott Lyons, Community Development Director

Members of the Planning & Zoning Commission

County Commissioners

We want to make it known to you that we oppose the requests for zone changes on Faust Valley Road as well as anywhere in the Bothwell Community. We ask that you respect and uphold the zone regulations that are in place currently, and have been for many years, throughout our community so that our land can continue to support agriculture and ranching as the base of our Bothwell community.

Thank You.

A handwritten signature in black ink that reads "Don + Kim Anderson". The signature is written in a cursive, slightly slanted style.

Don & Kim Anderson

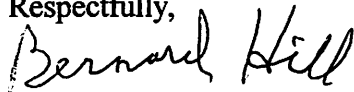
10385 W 11600 N, Bothwell, UT 84337

18 April 2024

Commissioners:

I own and operate 158 Acres of agriculture property located in Bothwell and adjacent to property on Faust Valley Road being proposed for a commercial auto repair shop. I have ranged and fed cattle on the property for 30 years and counting. The two different uses are not compatible for an area that has long been and will continue to be Agriculture and Range Land. Therefore, I am in opposition to any Commercial Uses that would be adverse to current agricultural uses.

Respectfully,

A handwritten signature in cursive script that reads "Bernard Hill". The signature is written in black ink and is positioned below the word "Respectfully,".

Bernard Hill



## **Chapter 5-9 Outdoor Lighting Standards**

### **Sections.**

5-9-010:	Purpose
5-9-020:	Scope
5-9-030:	Definitions
5-9-040:	Applicability
5-9-050:	General Standards
5-9-060:	Property Lighting
5-9-070:	Prohibited Lighting
5-9-080:	Special Uses
5-9-090:	Exemptions and Non-conforming Lights
5-9-100:	Plan Submittal and Evidence of Compliance
5-9-110:	Approved materials and methods of construction or installation/operation
5-9-120:	Violations, Legal Actions and Penalties
5-9-130:	Tables and Information Sheets

### **5-9-010: Purpose.**

It is the purpose and intent of this chapter to balance the goals of providing efficient and practical lighting for residents and businesses in Box Elder County, while maintaining the county's rural character and minimizing light pollution that may interfere with the enjoyment, health, safety, and welfare of humans, nature, and the environment.

### **5-9-020: Scope.**

All outdoor lighting and lighting fixtures shall be installed in conformance with the provisions of this chapter and the applicable building codes currently in effect in Box Elder County. Where any provision of federal, state, county, or city statutes, codes, or laws conflicts with any provision of this chapter, the most restrictive shall govern unless enforcement will result in a violation of the federal, state, county or city statutes, codes, or laws.

### **5-9-030: Definitions.**

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

### **5-9-040: Applicability.**

These outdoor lighting standards apply to all areas of unincorporated Box Elder County.

1. **New Lighting.** All outdoor lighting installed after the effective date of the ordinance codified in this chapter shall conform to the standards established in this chapter.
2. **Existing Lighting.** Upon the adoption of this ordinance, all outdoor lighting fixtures not in conformity herewith shall be considered legal nonconforming outdoor lighting. Any existing lighting that is directly impacted as part of a project that requires an application for a Box Elder County building permit is required to be brought into conformance with this ordinance. All lighting shall be upgraded to conform to this ordinance prior to the issuance of certificate of occupancy or final inspection.
3. **Public Roadways.** This chapter does not apply to lights owned or maintained by the County, state or federal government which are within any road rights-of-way or used for traffic, safety or emergency purposes.

#### **5-9-050          General Standards.**

1. **Lamp and Shielding.** All permanent light fixtures are required to be full cutoff fixtures with the light source fully shielded for all uses and directed downward, including single-family and multifamily residential uses.
2. **Light Trespass Standard.** All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Particular care is to be taken to assure that the direct illumination does not fall onto or across any public or private street or road. Motion sensing security lighting shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
3. **Total Outdoor Light Output Standards – Nonresidential and Multifamily Uses.** Total outdoor light output shall not exceed 100,000 lumens per net acre for all development except single-family residential uses. This cap is not intended to be achieved in all cases or as a design goal. Instead, design goals should be the lowest levels of lumens necessary to meet the lighting requirements of the site.
4. **Total Outdoor Light Output Standards – Single-Family Residential Uses.** Outdoor lighting for single-family residential uses is not subject to a lumens per net acre cap, but is subject to the lamp fixture and shielding requirements.
5. **Height.** Any lighting fixture attached to a structure shall be placed below the eave or parapet, whichever is lower. Different height restrictions may be imposed as a condition of approval by the Community Development Director, development review committee, or planning commission.

6. Commercial Lighting Time Limitations. All nonessential commercial exterior lighting shall only continue in operation until 11:00 p.m. or for as long as the business is open or area is in active use and shall remain off until the business reopens or until daylight the following day.

**5-9-060 Property Lighting.**

1. Parking Lot Standards. Parking lot lighting poles shall be sized in such a manner that the top of any fixture does not exceed 20 feet above adjacent grade. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.
2. Luminaire Mounting Height. Freestanding luminaires within a residential zone, except street lights, shall be mounted at a height no greater than 12 feet from ground level to the top of the luminaires.
3. Landscape and Accent Lighting. Subject to the approval of the Community Development Director or designee, ground-mounted lighting may be allowed to accent unique features of a building and/or surrounding landscaping (such as outstanding architectural features, specimen trees with dense year-round foliage or large native shrub masses). Architectural lighting is allowed; provided that a full cutoff light fixture is used, and the source of illumination is directed downward.
4. Flagpoles. Only the flag of the United States of America or the flag of the State of Utah may be illuminated.

**5-9-070 Prohibited Lighting.**

1. Searchlights, laser source lights, strobe or flashing lights, illusion lights or any similar high intensity light shall not be permitted except in emergencies by police and fire personnel or for approved special events.
2. Uplighting. Except as specifically allowed in this ordinance is prohibited.

**5-9-080 Special Uses.**

1. Outdoor Recreational Facilities. Lighting for outdoor recreation facilities that does not comply with this chapter may be approved with the project site plan based on the following:
  - a. When the proposed lumens per acre exceed the lumens per net acre limits, the installation shall be designed to achieve no greater than the minimum illuminance levels for the activity as recommended by the Illuminating Engineering Society of North America (IESNA).

- b. Every such lighting system design shall be certified by a Utah registered engineer as conforming to all applicable restrictions of this code.
  - c. Such lighting shall not include any light trespass.
  - d. Full cutoff light fixtures shall be required for fields designed for recreational sports activity.
2. Service Station Canopies. All service station canopies shall comply with the following:
  - a. Shielding. All luminaries shall be flush with the lower surface of canopies and utilize flat glass or plastic covers.
  - b. Total Under-Canopy Output. The total light output used for illuminating service station canopies, defined as the sum of under-canopy initial bare-lamp outputs in lumens, shall not exceed 40 lumens per square foot of canopy. All lighting mounted under the canopy, except internally illuminated signs, shall be included in the total. Fifty percent of the total lumen output of all lamps mounted within or under a canopy shall be included in the lumen per acre cap.
3. Other Special Use Lighting. Lighting for special uses that are not specified in this ordinance must be approved by planning commission through a conditional use permit or along with a site plan application.

**5-9-090 Exemptions and Non-conforming Lights.**

1. Emergency lighting, used by police, firefighting, or medical personnel, or at their direction, is exempt from all requirements of this code for as long as the emergency exists.
2. Spotlights are permitted for single-family residential, provided they are fully shielded and directed downward.
3. Swimming Pool and Decorative Water Fountain Lighting. Underwater lighting used for the illumination of swimming pools and decorative water fountains is exempt from the lamp type and shielding standards, though they must conform to all other provisions of this code.
4. Seasonal Decorations. Seasonal decorations are exempt from this chapter.
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.

7. Temporary lighting for approved special events.

**5-9-100 Plan Submittal and Evidence of Compliance.**

1. Plan Submittal. Whenever a person is required to obtain a permit for outdoor lighting, a conditional use permit, subdivision approval or any development plan approved by Box Elder County, including all county projects, or a building permit, the applicant shall, as part of the application process, submit sufficient information to enable the Community Development Director or designee to determine whether proposed lighting complies with this code. All applications may be subject to review and action by the planning commission at the discretion of the Community Development Director.
2. Applications. All applications shall include the following:
  - a. A site plan indicating the height and location of all lighting fixtures, both proposed and any already existing on the site.
  - b. A description of each illuminating device, fixture, lamp, support and shield, both proposed and existing. The description shall include, but is not limited to, manufacturer's catalog cuts and illustrations (including sections where required); lamp types, wattages and initial lumen outputs.
  - c. Such other information that the Community Development Director may determine is necessary to ensure compliance with this code.
3. Plan Approval. If the Community Development Director or designee determines that any proposed lighting does not comply with this code, the permit shall not be issued or the plan approved.
4. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Community Development Director or designee for approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.
5. Certification of Installation. For all projects where the total initial output of the proposed lighting equals or exceeds 100,000 lumens, certification that the lighting, as installed, conforms to the approved plans shall be provided by a certified engineer before the certificate of occupancy is issued. Until this certification is submitted, approval for use of a certificate of occupancy shall not be issued for the project.

**5-9-110 Approved materials and methods of construction or installation/operation.**

1. Approval of Alternatives. The provisions of this code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed

by this code, provided any such alternative has been approved by the Community Development Director or designee. The Community Development Director may approve any such proposed alternate if it:

- a. Provides at least approximate equivalence to that applicable specific requirement of this code, and
- b. Complies with the intent of this code.

**5-9-120        Violations, Legal Actions and Penalties.**

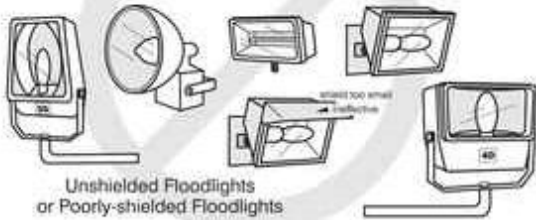
1. Violations and enforcement procedures for this chapter are found in Chapter 2-4: Enforcement of this code.

**5-9-130        Tables and Information Sheets.**

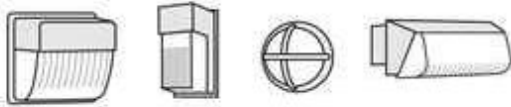
1. The figures and information sheets attached to the ordinance codified in this chapter shall be incorporated into this chapter as guidelines for the public and the County. The County does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples.

## Unacceptable / Discouraged

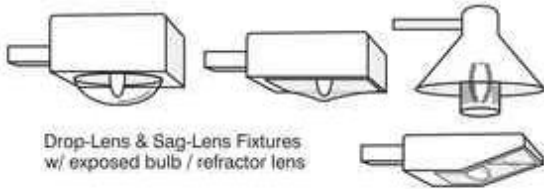
Fixtures that produce glare and light trespass



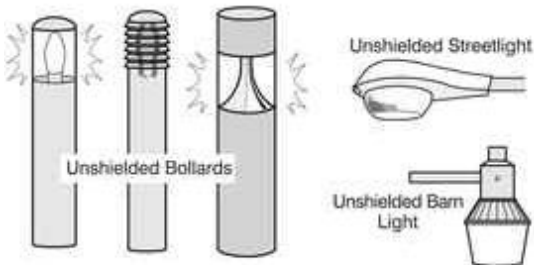
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



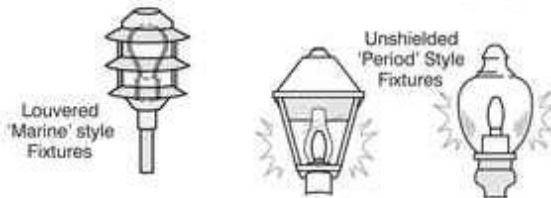
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Bollards

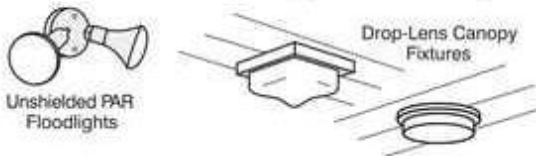
Unshielded Streetlight

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

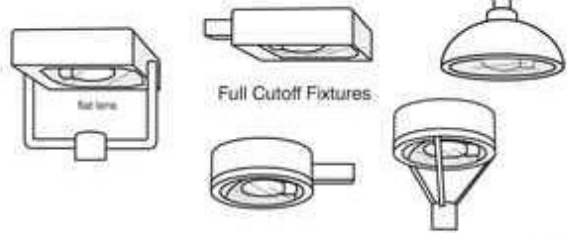


Unshielded PAR Floodlights

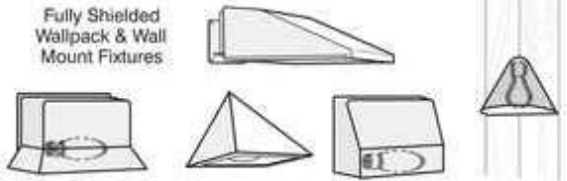
Drop-Lens Canopy Fixtures

## Acceptable

Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



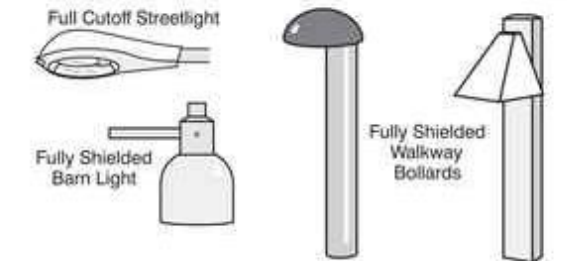
Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



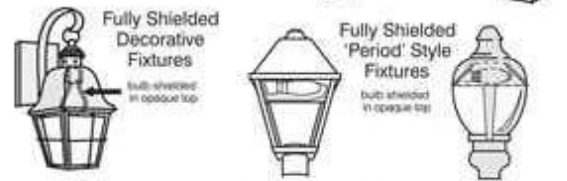
Fully Shielded Fixtures



Full Cutoff Streetlight

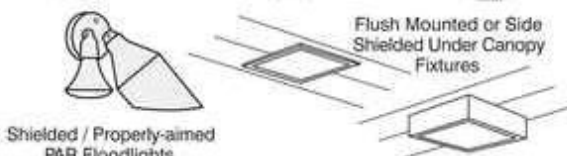
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures



Shielded / Properly-aimed PAR Floodlights

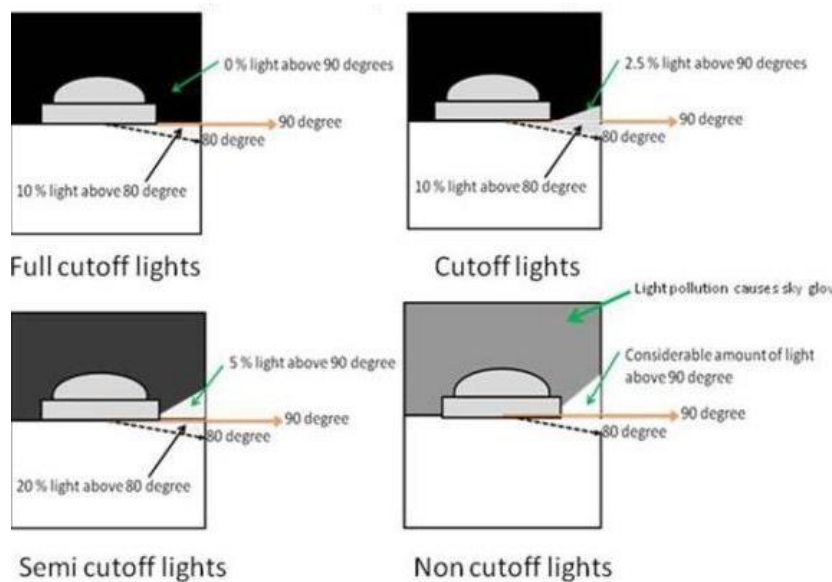
Flush Mounted or Side Shielded Under Canopy Fixtures

Definitions.

1. "Direct illumination" means illumination resulting from light emitted directly from a lamp, luminary, or reflector and is not light diffused through translucent signs or reflected from other surfaces such as the ground or building faces.



2. “Fully shielded light fixture” means a light fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. The term “full cutoff” is often substituted for the term “fully shielded.” The terms are not equivalent. Fully shielded luminaires emit no direct uplight, but have no limitation on the intensity in the region between 80 degrees and 90 degrees.
3. “Full cutoff light fixture” means fixtures that are independently certified by the manufacturers, and do not allow light to be emitted above the fixture and the fixture reduces glare by limiting the light output to less than 10 percent at and below 10 degrees below the horizontal.



4. “Glare” means the sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance and visibility; blinding light. The magnitude of glare depends on such factors as the size, position, and brightness of the source, and on the brightness level to which the eyes are adapted.
5. “Installed” means a light fixture attached or fixed in place, whether or not connected to a power source, of any outdoor light fixture.
6. “Light pollution” means any adverse effect of manmade light.
7. “Light trespass” means light spill falling over property lines that illuminates adjacent grounds or buildings in an objectionable manner.
8. “Lumen” means a unit used to measure the actual amount of visible light which is produced by a lamp as specified by the manufacturer.

9. "Luminary" means the complete lighting assembly, less the support assembly.
10. "Motion sensing security lighting" means any fixture designed, and properly adjusted, to illuminate an area around a residence or other building by means of switching on a lamp when motion is detected inside the area or perimeter, and switching the lamp off when the detected motion ceases.
11. "Net acreage" means the remaining ground area of a parcel after deleting all portions for proposed and existing public rights-of-way and undeveloped area.
12. "Nonessential commercial exterior lighting" means any parking lot lighting, display lighting, exterior building lighting, directional lighting or landscape lighting that is primarily for aesthetic or advertising purposes and does not directly contribute to the safety or security of the premises.
13. "Outdoor light fixture" means an outdoor illuminating device, outdoor lighting or reflective surface, lamp or similar device, permanently installed or portable, used for illumination, decoration, or advertisement.
14. "Outdoor recreation facility" means an area designed for active recreation, whether publicly or privately owned.
15. "Seasonal decorations" means strings of holiday lights, uplighting or internally lit inflatable or plastic decorations, or other lighting of holiday or seasonal decorations.
16. "Uplighting" means lighting that is directed in such a manner as to shine light rays above the horizontal plane.
17. "Security lighting" means lighting designed to illuminate a property or grounds for the purpose of visual security.