

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

March 21, 2024

Agenda review with Planning Commissioners at 6:00 p.m.

1. **CALL TO ORDER 7:00 p.m.** (County Commission Chamber Room, Main Floor)
 - a. Roll Call (Commissioners S. Zollinger, B. Robinson, M. Wilding, J. Holmgren, J. Pugsley, V. Smith, J. Jacobsen, and L. Jensen)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the February 15, 2024 Planning Commission Minutes.**
5. **APPOINT NEW CHAIR AND VICE CHAIR**
6. **UNFINISHED BUSINESS**
 - a. **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**
 - b. **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**
7. **PUBLIC HEARINGS – NONE**
8. **NEW BUSINESS**
 - a. **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**
 - b. **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**
 - c. **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**
9. **WORKING REPORTS**
 - a. Lighting Ordinance
10. **PUBLIC COMMENT**
11. **ADJOURN**_____

BOX ELDER COUNTY PLANNING COMMISSION MINUTES FEBRUARY 15, 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	Excused
Jared Holmgren	Vice-Chair
Lonnie Jensen	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
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	County Attorney
Boyd Bingham	Co. Commissioner
Diane Fuhriman	Executive Secretary

Vice-Chairman Jared Holmgren called the meeting to order at 7:00 p.m.

The Invocation was offered by **Commissioner Bonnie Robinson**.
Pledge was led by **Commissioner Lonnie Jensen**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the January 18, 2024 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

UNFINISHED BUSINESS

CONDITIONAL USE PERMIT, CUP23-001, Request for a Conditional Use Permit for a Recreational Vehicle Park located at approximately 20755 North 6000 West in the Plymouth area of Unincorporated Box Elder County. ACTION

Staff explained this application has been before the Planning Commission twice before. Both times the applicant requested the item to be tabled. Staff contacted the applicant and was told they would like the item tabled through the first quarter. The applicant also asked if they will then have to resubmit entirely for review, approval, with updated and requested plans”?

Staff stated there is a 2-year period before the item will be automatically denied.

When this came before the Planning Commission, the Commission required the following:

1. Updated drawings and renderings of the area.
2. Show a minimum 36-inch sidewalk width around the exterior of the private road (where the entrances to the RV pads are).
3. Obtain Utility letter for all utilities.
4. Compliance with all comments from County Staff.
5. Compliance with Section 2-2-100 and Chapter 3-6 of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

Staff said no updated plans have been submitted.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to deny application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, based on no action on the part of the applicant for more than 6 months. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

ZONING MAP AMENDMENT, Z23-017, Request for a zone change of 8 acres from A-20 (Agriculture 20 acres) to C-G (General Commercial) and 12.925 acres from A-20 Agriculture 20 acres) to RR-10 (Rural Residential 10 acres) located at approximately 8205 South 1500 West in the South Willard area of Unincorporated Box Elder County. ACTION

Staff stated a public hearing was held on January 18, 2024 for this zoning map amendment. There were no public objections, just concerns of residential growth shared by one individual. The applicant inquired about the possibility of some type of special permit. Where the General Plan highlights agriculture for this area of South Willard, it was briefly discussed that a zoning agreement could change the zoning to C-G, but limit the allowed uses to just what he is proposing. The Planning Commission tabled the matter in January to look into zoning agreement possibilities.

Staff explained decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

- The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.
- In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the County.
- The decision-making body should state on the record the basis for its decision.

Staff read Box Elder County Land Use Management & Development Code section 2-2-080-E which outlines the standards for review for zoning map amendments.

A. Whether the proposed amendment is consistent with goals, objectives and policies of the County's General Plan; The County's General Plan for the South Willard area states "existing commercial uses along US 89 should be retained, but new commercial growth should mostly occur near the interchange, where mixed uses could be introduced. Since orchards are not found west of I-15, 20-acre agricultural zoning should be retained to provide for crops and grazing." The County can adopt policies to encourage that to happen but must continue to recognize private property rights and coordinate with the incorporated communities.

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property; The area consists mainly of agricultural uses with some residential homes to the north to include a couple of home businesses as well as a livestock auction facility. The Planning Commission needs to decide if a C-G (or Restricted C-G) zone and RR-10 zone could be considered harmonious.

C. The extent to which the proposed amendment may adversely affect adjacent property; and Only one individual from the previous public hearing addressed the Planning Commission expressing concerns about residential growth, not necessarily the proposed use of the applicant.

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. Access to the proposed property is via 1500 West (a gravel road). It is unknown what the adequacy of the road and facilities would be in this area for the proposed zone changes and any future use(s).

Staff recommends a recommendation of denial to the County Commission based on their findings which includes, the General Plan for the South Willard area calls for agriculture to remain on the west side of the freeway; commercial growth for the South Willard area is directed to be closer to the I-15/Highway 89 interchange; zoning agreements should be used when their flexibility is the only legal way to say yes to a very desirable development opportunity and should enhance, not undermine, the existing zoning and General Plan; a zoning agreement will not provide any benefit to the county in this application where the same benefits could be had in existing commercial zones.

Commissioner Bonnie Robinson is concerned with setting a precedence regarding zoning agreements. She also has concerns with the road and the zone not fitting with the General Plan. There are places where commercial zones are more grouped together. There is no infrastructure in the area requested and she sees no benefit to the county.

Commissioner Jennifer Jacobsen said there are other areas in the county where commercial zones meet the applicant's needs. Since other areas do exist, the county would not be shutting the door on the request.

Commissioner Jed Pugsley and **Commissioner Steven Zollinger** share the same concerns.

MOTION: A Motion was made by **Commissioner Steven Zollinger** to forward a recommendation of denial to the County Commission for application number Z23-017, a zoning map amendment from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone based the zoning does not fit in with the County General Plan, inadequate services and roadways and the Planning Commission not wanting to set a precedence of setting special circumstances in zones for individual's needs. The motion was seconded by **Commissioner Jennifer Jacobsen** and unanimously carried.

PUBLIC HEARINGS

ORDINANCE TEXT AMENDMENT, Z24-001, Request for a text amendment to Chapter 5-3, Signs, of the Box Elder County Land Use Management & Development Code. ACTION

Staff stated the applicant is requesting a text amendment to amend Sections in Chapter 5-3, Signs of the Box Elder Land Use Management and Development Code. This is to update the Sign Chapter taking out the ability for electronic signs in all sign zones and to clarify sections of this chapter. In the last legislative session there was a bill that would allow any billboard to be converted to a digital billboard if a code allowed them on premise but not off premise. The United States Supreme Court is currently making a decision on billboards that also has to do with allowing them to be converted to digital if digital signs are permitted on premise but not off premise. To be consistent with both on premise and off premise signs, we are proposing to not allow them in any sign zone. In February 2022 we brought a text amendment for this same purpose, but found that we were not clear enough in the verbiage in the Chapter. This text amendment will clear up any confusion.

Staff read the standards for reviewing zoning text amendments as 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 General Plan doesn't specifically address signage, but does address land uses that may rely upon signage. For those land uses it states "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available."

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 areas of unincorporated Box Elder County.

C. The extent to which the proposed amendment may adversely affect adjacent property; The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light 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 should not have an effect on the adequacy of facilities.

Staff reviewed the changes to Chapter 5-3 with the Planning Commission.

(See attachment No. 2 – Chapter 5-3 – Sign Regulations.)

The public hearing was then opened for comments. There were no comments.

Hearing no comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on Ordinance Text Amendment Z24-001. The motion was seconded by **Commissioner Jed Pugsley** and passed unanimously.

ACTION

MOTION: A Motion was made by **Commissioner Jed Pugsley** to forward a recommendation of approval to the County Commission for application Z24-001 an ordinance text amendment to Chapter 5-3, Signs, with any spelling errors corrected, and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 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.

NEW BUSINESS

CONDITIONAL USE PERMIT, CUP24-001, Request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 15450 North 5250 West in the Riverside area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 898 square foot accessory dwelling unit. Their existing home is approximately 2378 square feet. No other accessory dwelling unit exists on the property. The surrounding land uses are Rural Residential and Agriculture; the surrounding zoning is Unzoned.

Staff explained all applicable county departments have reviewed the application. The applicant has stated they may want to obtain a variance to not have to hook onto the same water meter and gas meter. The Planning Commission has no authority to grant a variance but can approve the request subject to following the county code.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to approve application CUP24-001, a request for a Conditional Use Permit for an Accessory Dwelling Unit located at approximately 15450 North 5250 West in the Riverside area of Unincorporated Box Elder County and adopting the conditions and exhibits of staff. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

CONDITIONS:

1. Compliance with Article 5 of the Box Elder Land Use Management & Development Code.
2. Compliance with Section 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.

TEMPORARY USE PERMIT, TUP24-001 Request for a Temporary Use Permit to demonstrate the viability of direct lithium extraction technology located at approximately Rozel Flats Road in the West Promontory area of Unincorporated Box Elder County.
ACTION

Staff said the applicant is requesting a Temporary Use Permit for a one (1) year period to demonstrate the technical viability of direct lithium extraction technology. The project would be constructed in the spring, be in operation during the summer, and decommissioned in the fall. The project is located on the opposite side of Promontory. There is a county road accessing the parcel. The applicant has been working with state departments, there are still items they need to fulfill.

Staff read section 2-2-160 outlining the standards for reviewing for Temporary Use Permits.

- a. Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;
- b. Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commuter hours on weekdays on any primary arterial street or principal commuter route designated by the County;
- c. Will not conflict with construction or development in the public right-of-way or at public facilities;
- d. Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the County;
- e. Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and
- f. Is in compliance with regulations, conditions and licensing requirements of applicable provisions of the Box Elder County ordinances

Staff stated the Fire Marshal and Roads Superintendent have reviewed and approved the proposed project. The Planning Staff has also reviewed the project and feels it meets the standards set forth in the Box Elder County Land Use Management & Development Code. Staff is aware the applicant is working with the State Department of Natural Resources and Forestry Fire and State Lands to complete the appropriate permits and easements at the state level. Staff is aware those permits are incomplete at this time.

MOTION: A Motion was made by **Commissioner Jennifer Jacobsen** to approve application TUP24-001, a Temporary Use Permit for a temporary pilot-scale lithium extraction facility and adopting the conditions and findings of staff. The motion was seconded by **Commissioner Bonnie Robinson** and unanimously carried.

CONDITIONS

1. Compliance with Article 5 of the Box Elder County Land Use Management & Development Code.
2. Compliance with Article 2-2-160, Temporary Use Permit, 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 required licenses, permits, easements, etc.

MARBLE COMPLEX, 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 the applicant is requesting site plan approval for an additional building at an existing commercial site. The proposed building would consist of a daycare, sports court, and an apartment. The site is on approximately 1.92 acres located at 11175 West 11200 North in the Bothwell area of Box Elder County.

Staff explained the applicant has asked to have this item tabled until the March 2024 Planning Commission Meeting as they are working on items with the Fire Marshal and the Bear River Canal Company.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table application SP24-001 up to 6 months as per applicant request. The motion was seconded by **Commissioner Steven Zollinger** and unanimously carried.

WORKING REPORTS - NONE

PUBLIC COMMENTS - NONE

Dean Lester, Friends of the Bear River Bird Refuge, is here to speak about light pollution and the effect it has on the 10 million birds migrating through the refuge. He wants to maintain the rural nature of the county as much as possible. One way to do this is to develop zoning codes for minimum light trespass on the citizens. Mr. Lester cited Eagle Mountain having the same concern maintaining their rural nature and adopted a chapter to their code regarding outdoor lighting standards. Light does affect people as well as the birds and the only way to affect what your neighbor is going to do is by ordinance or regulation. He feels many of the county parking lots are over lit with high intensity lights. His intention is to make an application to the county for article 5 of county code. Mr. Lester asked for the Planning Commission's blessing to work with the Community Development department. He feels this would be a real benefit to the county.

ADJOURN

MOTION: A Motion was made by Commissioner Bonnie Robinson to adjourn commission meeting. The motion was seconded by Commissioner Jed Pugsley and meeting adjourned at 8:09 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION STAFF REPORT

Meeting Date: March 21, 2024

Agenda Item #: 5a

Application Type:

Preliminary Subdivision

APPLICANT(S):

Brian Rose

PROJECT #:

SS22-024

ADDRESS:

Approximately 550 West
7150 South

ZONE:

R-1-20

PARCELS #:

01-040-0037; 02-055-0094

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting Preliminary approval of the Valley View Estates Phase 3 Subdivision plat. The proposed subdivision is 8 new lots, all of the lots will be 0.46 acres or larger. The existing parcels are 27.46 acres in size.

UPDATE: This application was tabled by this commission on September 15th, 2022, December 15, 2022 for three (3) months and on March 16, 2023 for twelve (12) months to have the applicant(s) bring their project into compliance with the following conditions:

1. Compliance with all comments from County staff.
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. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

On March 1, 2023 staff met with and received an email with the updates the applicant has been working on with regards to this subdivision (See new aerial shots attached).

The applicant has been working on making 7325 South a public County road, but has yet to do so. We are still awaiting an updated plat at the time this staff report was written.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-190 requires the subdivision of property receive final approval from the Box Elder County Commission with prior approval from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Residential	R-1-20
South	Agriculture/Residential	R-1-20
East	Agriculture	MU-160
West	Residential	R-1-20



▪ **Access:**

Access will come off of 600 West (tying into 7150 South) for the entire phase of the subdivision. A future access point is planned to the South and East for the rest of the parcel to be developed in the future and to connect to 7325 South.

Utilities:

The County has gotten utility will serve letters from the power, gas, and water companies and they are satisfactory for this subdivision. We have also received a feasibility letter from the Bear River Health Department and a geotechnical report.

Setbacks:

All setbacks can be met for this R-1-20 zone area, except for Lot #6 with the existing structure (that structure is now labeled as “to be removed”).

County Department Reviews:

All applicable County departments are currently reviewing this subdivision. At the time of writing this staff report, we have not received an updated plat since September 15, 2022.

Findings:

Based on the analysis of the proposed subdivision plat and a survey of surrounding area, staff concludes the following:

1. The preliminary subdivision plat does not comply with the preliminary subdivision regulations of Box Elder County.
2. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may DENY the proposed preliminary plat based on the findings above and any others the Planning Commission finds, or TABLE the preliminary plat application with the following conditions as well as any others the Planning Commission finds:**

1. Compliance with all comments from County staff.
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. Drainage easements need to be dedicated to the South Willard Flood Control District and the frontage on Lot 1 addressed.

MODEL MOTIONS

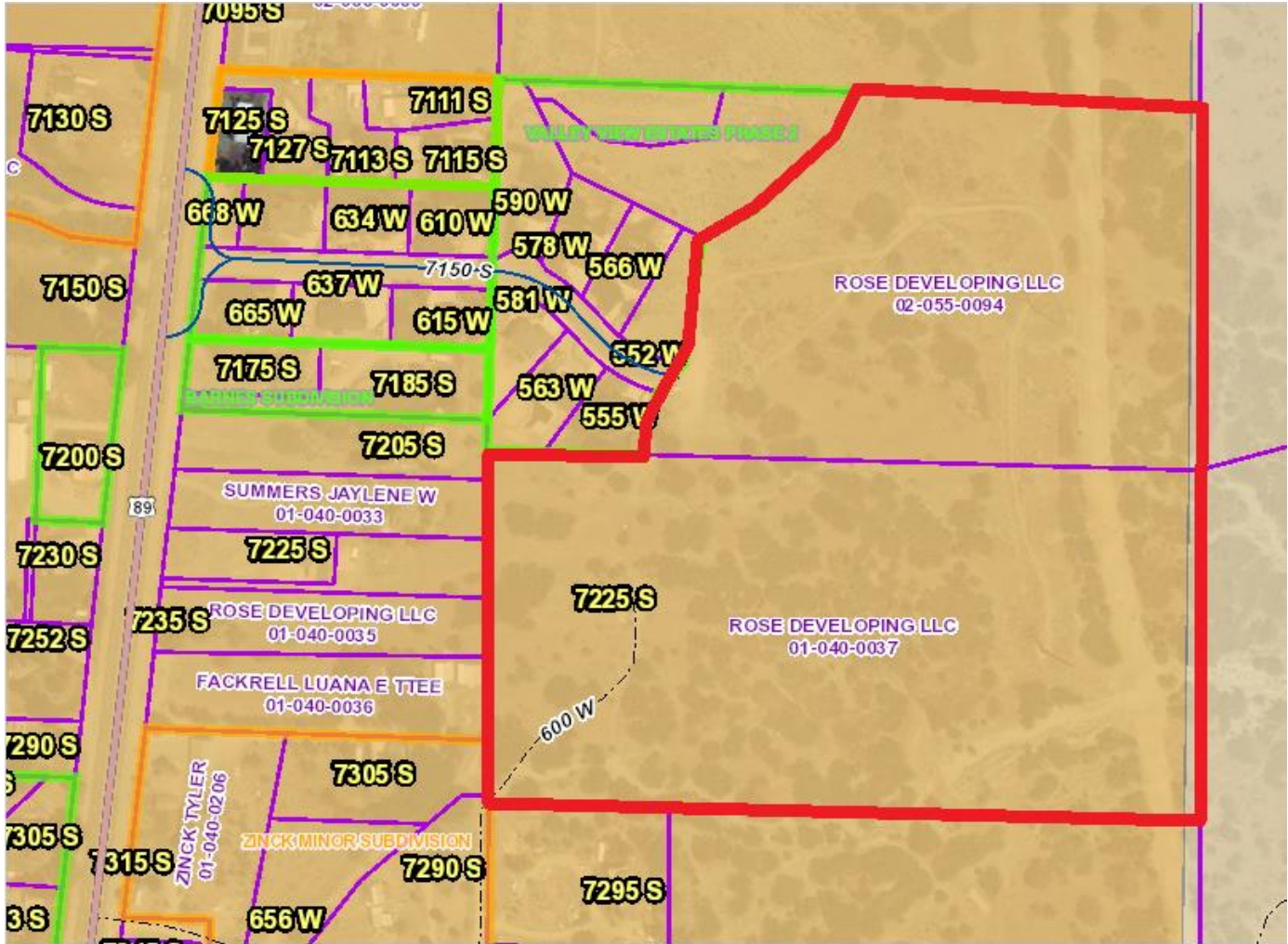


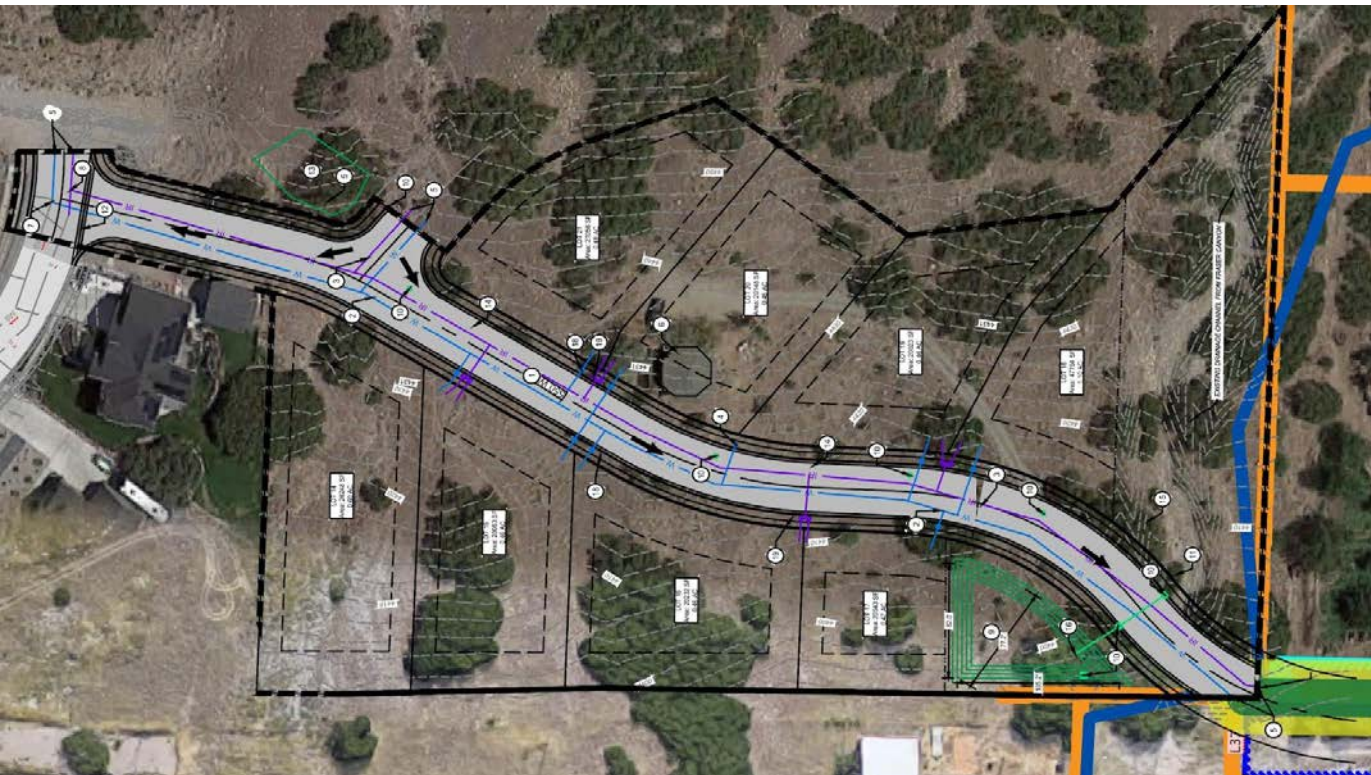
- **Approval** – “I move the Planning Commission approve application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:
 1. List any additional conditions....

- Table** – “I move the Planning Commission table application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

- Denial** – “I move the Planning Commission deny application number SS22-024, a preliminary plat for the Valley View Estates Phase 3 Subdivision located in unincorporated Box Elder County based on the following findings:”
1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 with any questions.







PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 21, 2024
Agenda Item #: 6b

Application Type:

Preliminary Subdivision

APPLICANT(S):

Kurt Spiers

PROJECT #:

SS23-025

ADDRESS:

1700 S Willard Peak Rd
Mantua area

ZONE:

RR-5

PARCEL #:

03-064-0033

REPORT BY:

Scott Lyons,
Community Development
Director

BACKGROUND

The applicant is requesting preliminary approval of the Silver Eagle Mine Subdivision plat. The proposed subdivision is four new lots approximately 8-9 acres in size. The existing parcel is approximately 35 acres in size.

ANALYSIS

Land Use Ordinance Standards Review:

Land Use Management & Development Code 6-1-130 requires the subdivision of property receive preliminary approval from the Box Elder County Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Rural Residential	Mantua
South	Agriculture/Rural Residential	RR-5/MU-160
East	Hillside	MU-160
West	Rural Residential	RR-5/MU-160

Access:

Access would be via Willard Peak Road and existing county road.

Utilities:

The County has received utility will-serve letters from Mantua for water and Rocky Mountain Power. We have also received a feasibility letter from the Bear River Health Department. This feasibility letter is for a single conventional wastewater system to be installed to service a single-family dwelling on each proposed lot.

Setbacks:

All setbacks for the RR-5 zone can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

County Surveyor/GIS

- Have requested changes to lot addressing, land ownership noted on the plat, dates, notes, and developer contact info.
- The Owner's Dedication needs to dedicate the appropriate portion of Willard Peak Road.
- Additional questions regarding private road standards.

Planning Staff

- All concerns from the January report have been addressed.

County Engineer

- Submitted a review with some changes requested to the improvement plans. Also submitted a review of the geotechnical soils report. There are no issues with the soils, it just has recommendations for construction.

Roads Superintendent

- Has not submitted a review yet.

Fire Marshal

- Has approved the preliminary plat.

An update will be provided at the Planning Commission meeting.

Findings:

Based on the analysis of the proposed subdivision preliminary plat and a survey of surrounding area, staff concludes the following:

1. The preliminary plat as currently proposed may comply with County development standards, but cannot confirm without additional information from the applicant and other county department reviews.
2. At the time of writing this report the county reviews that have been completed are being sent to the applicant and his engineer for revisions and additional info.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may TABLE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. They may also APPROVE the preliminary plat application with the following conditions of approval as well as any others the Planning Commission finds:**

1. Compliance with review and approval by Planning Staff, the County Surveyor, Engineer, Roads Department, Fire Marshal, and Building Official.
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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SS23-025, a preliminary plat for the Silver Eagle Mine Subdivision, located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table application number SS23-025, a preliminary plat for the Silver Eagle Mine Subdivision, located in unincorporated Box Elder County, to (give date), based on the following findings:”

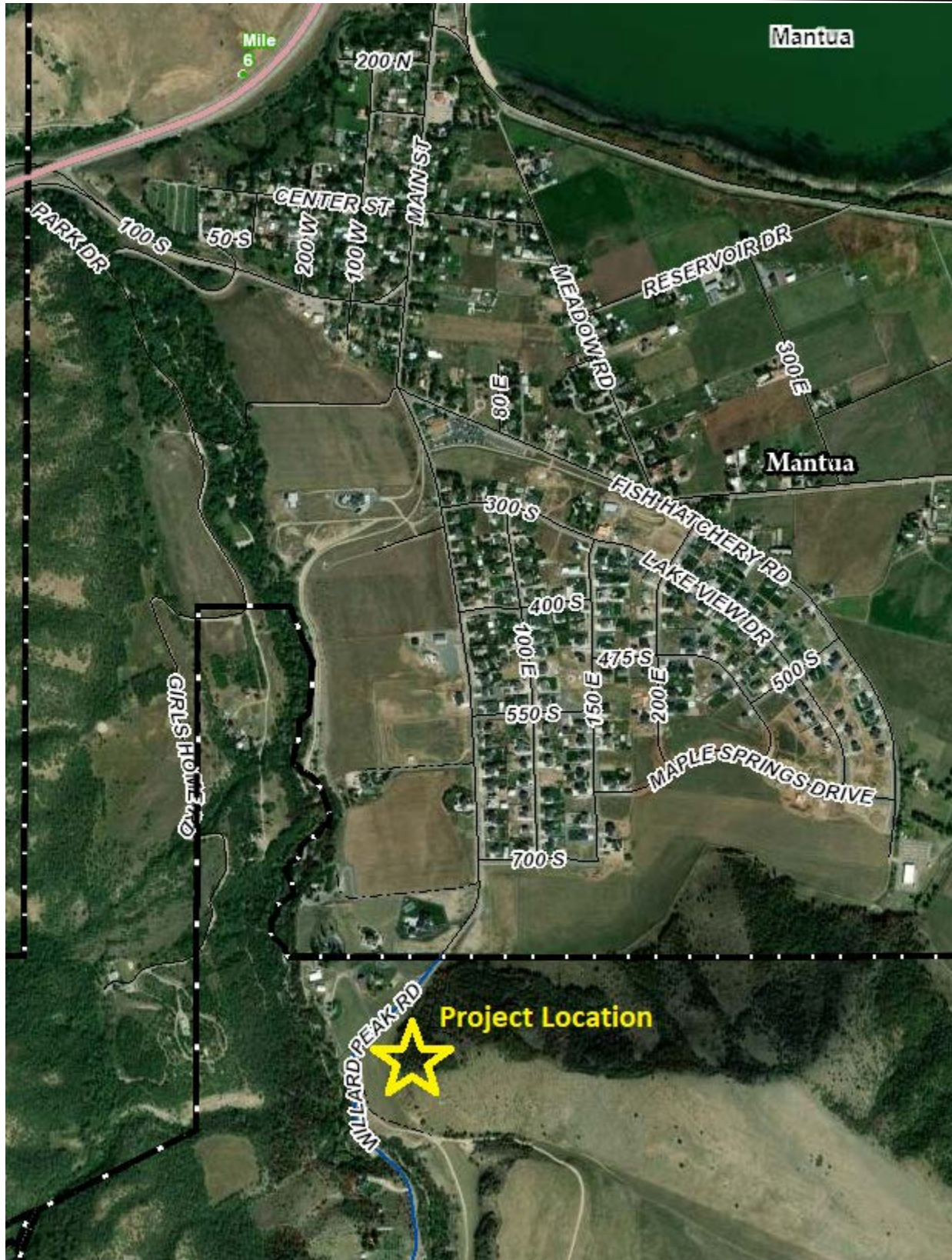
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

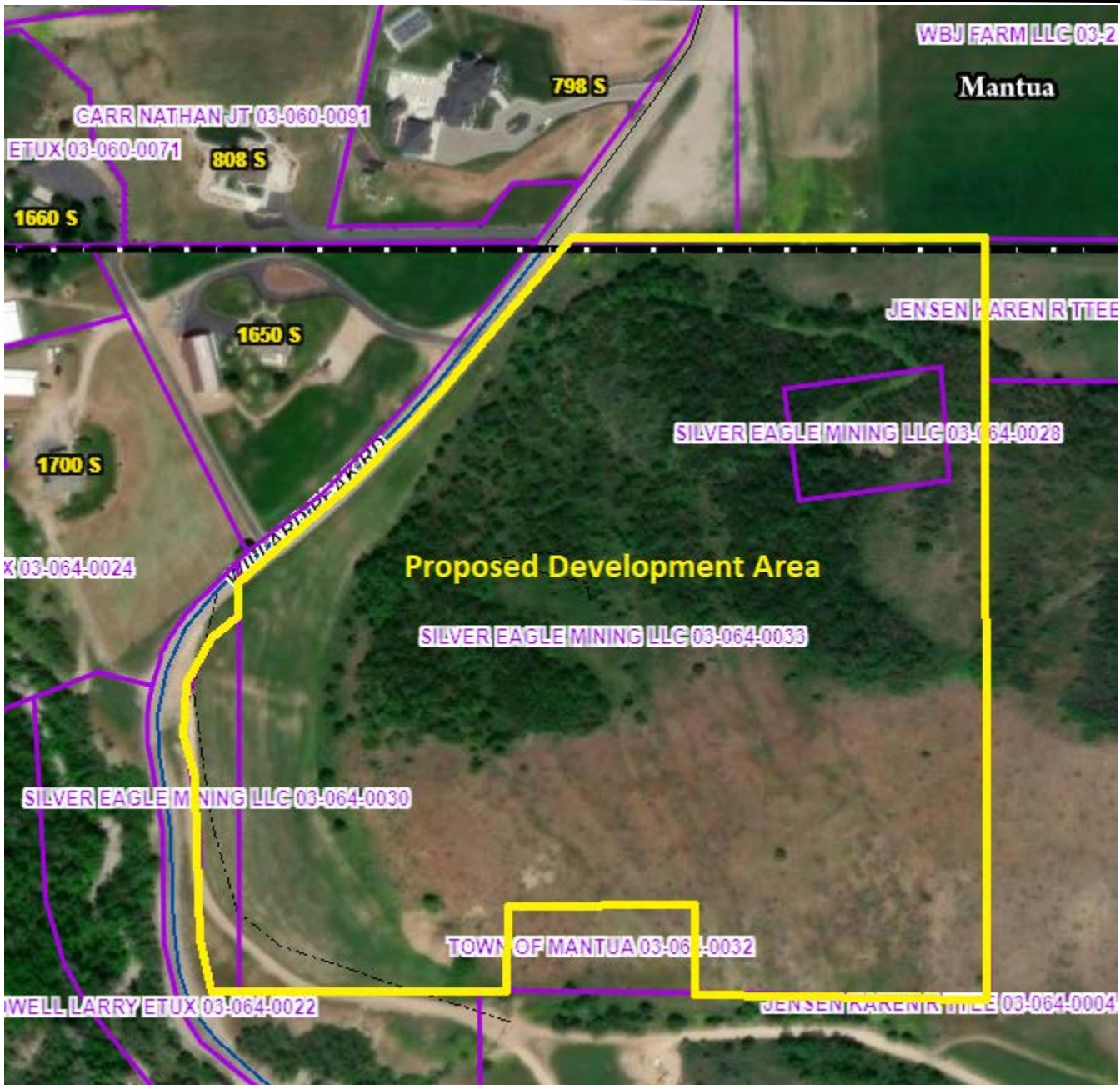


Denial – “I move the Planning Commission deny application number SS23-025, a preliminary plat for the Silver Eagle Mine Subdivision, located in unincorporated Box Elder County based on the following findings:”

1. List findings for denial...

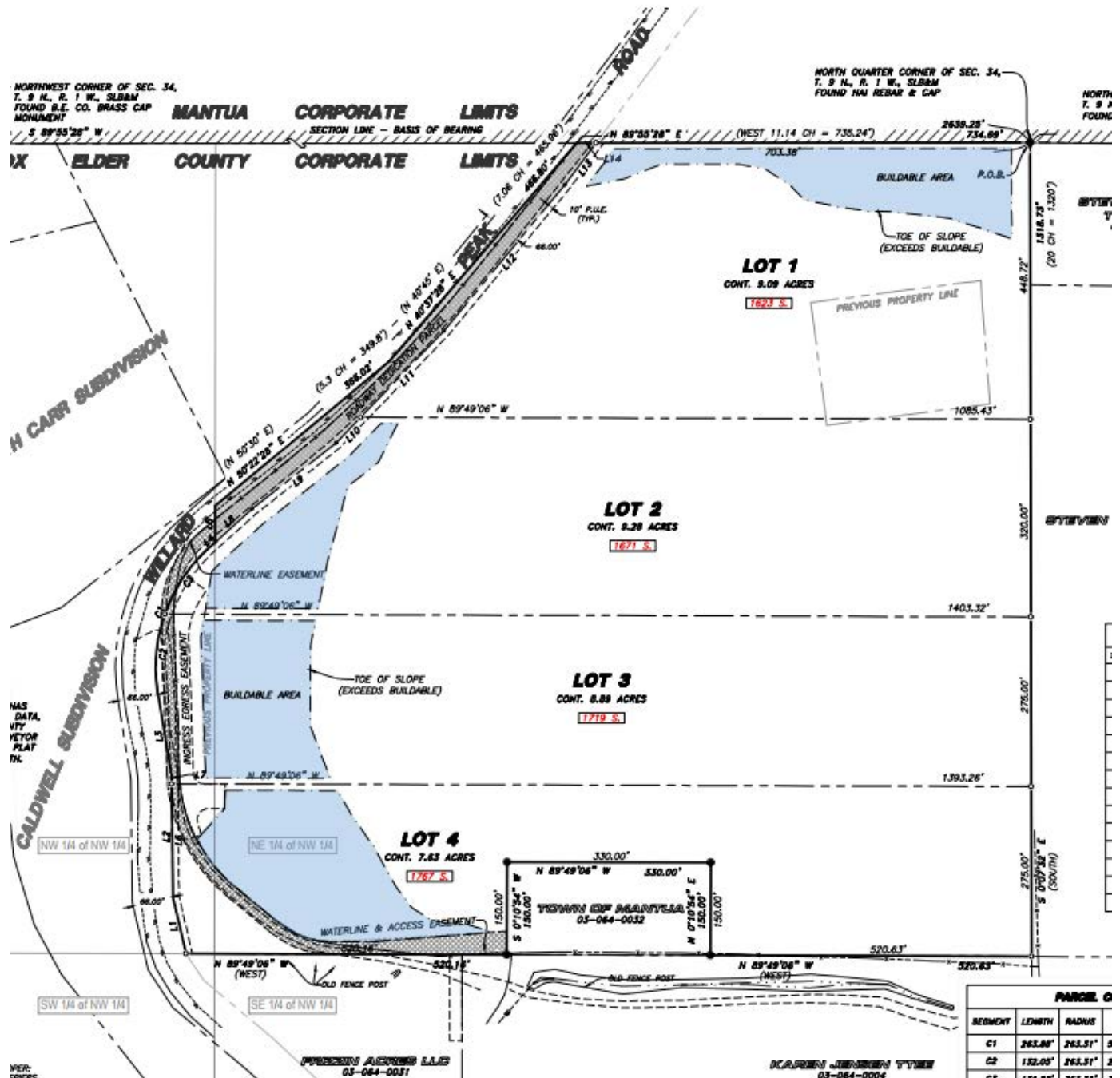
Please feel free to contact Scott Lyons at 435-734-3316 with any questions.





SILVER EAGLE MINING SUBDIVISION

BOX ELDER COUNTY, UTAH
 A PART OF THE NORTHWEST QUARTER OF SECTION 34,
 TOWNSHIP 9 NORTH, RANGE 1 WEST, SALT LAKE BASE & MERIDIAN





PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 21, 2024

Agenda Item #: 8a

Application Type:

Rocket II Solar

APPLICANT(S):

Mindy Kidd

PROJECT #:

SP24-002

ZONE:

Un-Zoned

PARCEL #:

04-005-0012; 0014,
04-006-0002

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager, County Planner

BACKGROUND

The applicant is requesting approval for a Site Plan for a 45 MWac and a 12.5 MWac battery energy storage system solar farm on 230 acres located at approximately Golden Spike Dr. and HWY 83 on Parcels: 04-005-0012; 0014, 04-006-0002.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Solar Farm	Un-Zoned
South	Agriculture	Un-Zoned
East	Agriculture	Un-Zoned
West	Agriculture	Un-Zoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows solar farms as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

- A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes**
- B. The proposed use shall conform to development standards of the applicable zone. Yes**
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Once comments from staff are complete, the application will conform.**
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. Once comments from staff are complete, the application will conform.**
- E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A**

Setbacks:

The proposed solar panel structures meet setbacks in for Un-Zoned areas.

Access:

Access to the property is obtained on Golden Spike Drive and East Promontory Road.



County Department Review:

The County engineer has some comments that are currently being reviewed by the applicant at this time.

FINDINGS:

Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the site plan** subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP24-002, a Site Plan for a solar farm, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

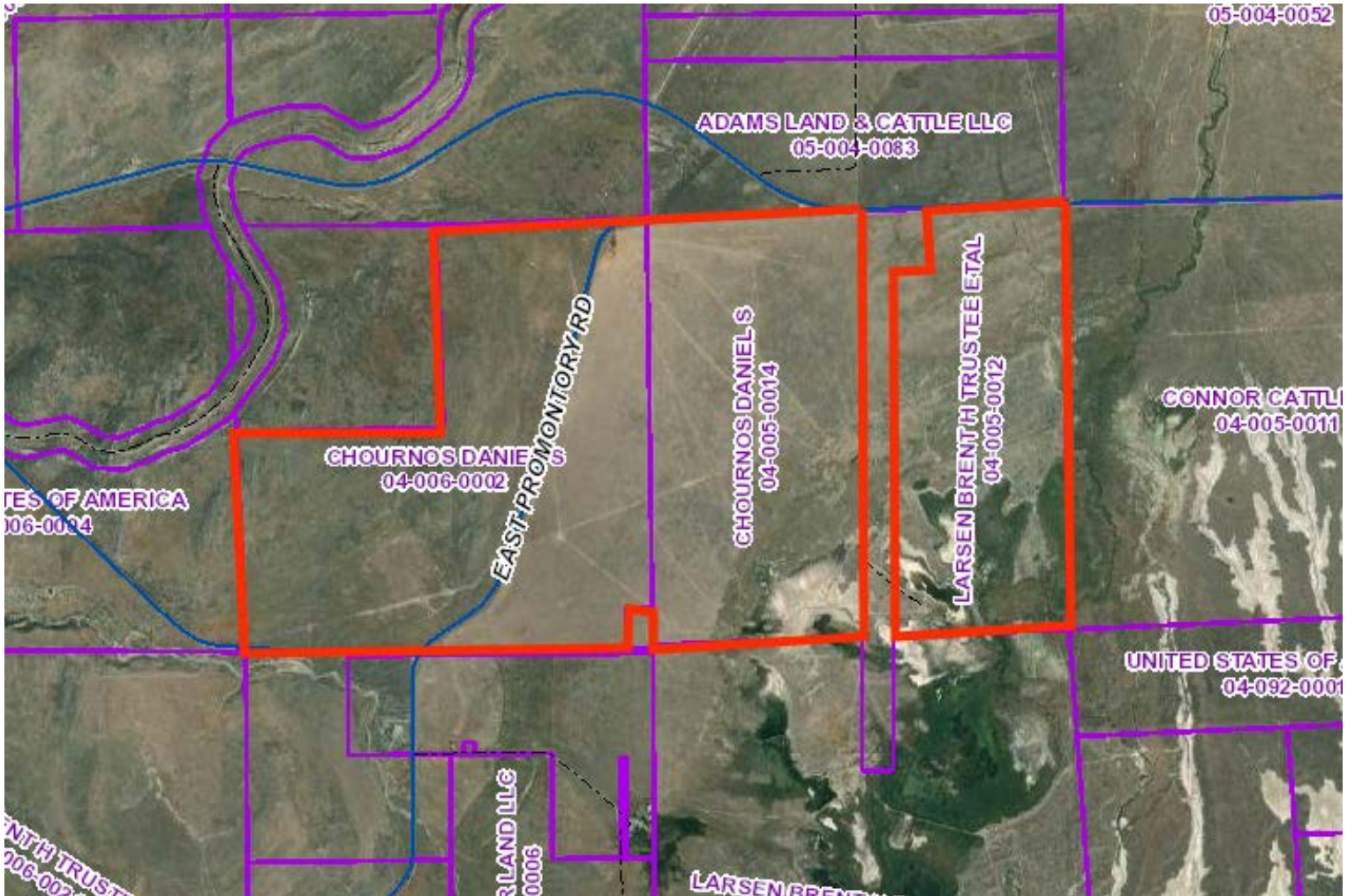
Table – “I move the Planning Commission table application number SP24-002, a Site Plan for a solar farm, to (give date), based on the following findings:”

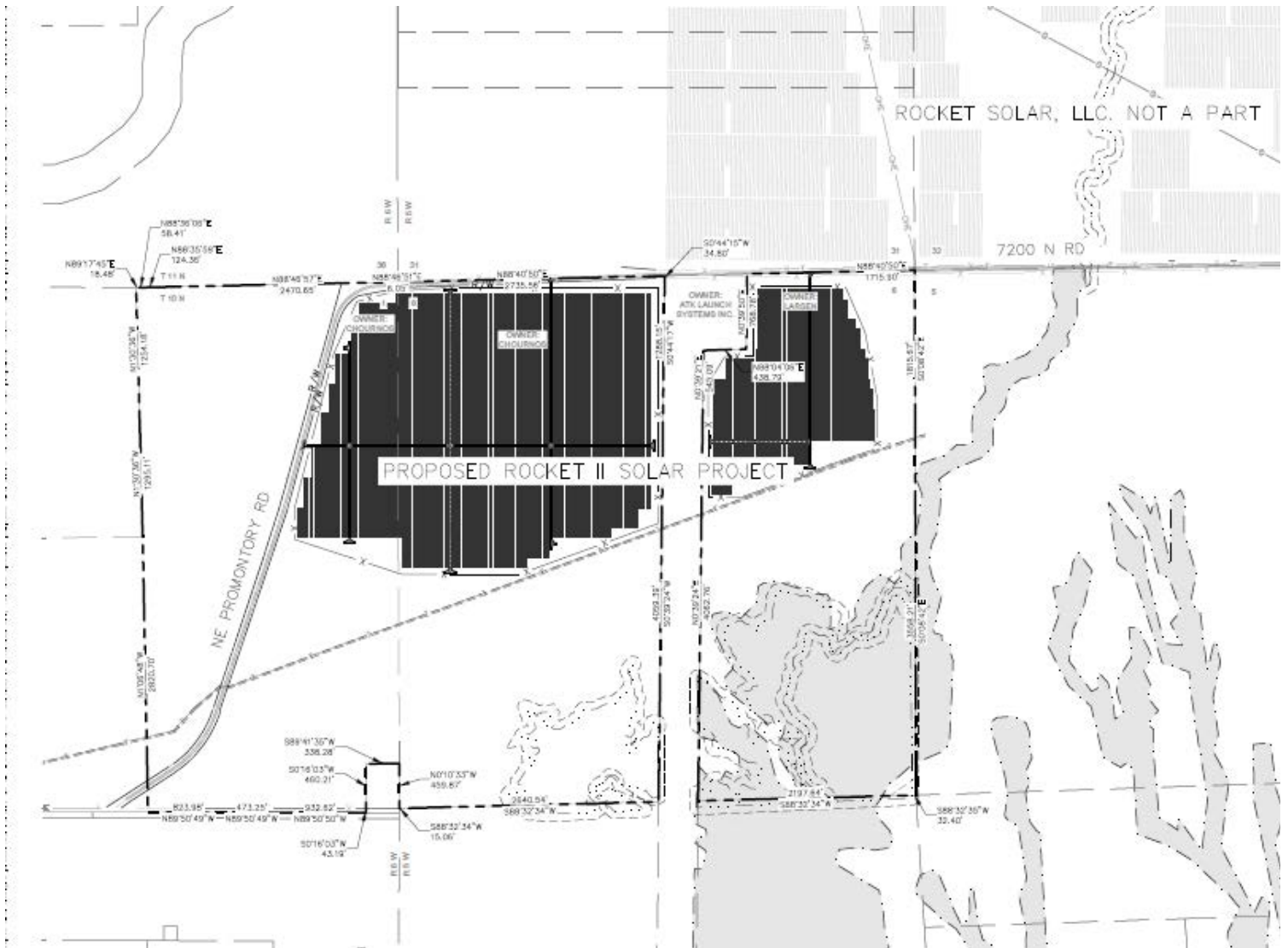
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP24-002, a Site Plan for a solar farm, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.







PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 21, 2024

Agenda Item #: 8b

Application Type:

Steel II Solar

APPLICANT(S):

Mindy Kidd

PROJECT #:

SP24-003

ZONE:

Un-Zoned

PARCEL #:

08-055-0008; 08-055-0007;
08-056-0003; 08-002-0033;
07-090-0013; 07-036-0031;
07-086-0021; 07-086-0001

TYPE OF ACTION:

Administrative

REPORT BY:

Marcus Wager, County Planner

BACKGROUND

The applicant is requesting approval for a Site Plan for a 67 MWac and a 17.5 MWac battery energy storage system solar farm on 336 acres located in the Plymouth area.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture/Solar Farm	Un-Zoned
South	Agriculture/Solar Farm	Un-Zoned
East	Agriculture/Solar Farm	Un-Zoned
West	Agriculture/Solar Farm	Un-Zoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows solar farms as a commercial use in un-zoned areas as a permitted use subject to Site Plan approval. Section 2-2-090 outlines the following standards for approval for permitted uses.

A. The proposed use shall be allowed as a permitted use in the applicable zone. Yes

B. The proposed use shall conform to development standards of the applicable zone. Yes

C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code. Once comments from staff are complete, the application will conform.

D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances. Once comments from staff are complete, the application will conform.

E. If the proposed use is located on a lot or parcel which has been subdivided without County approval a subdivision plat shall be approved and recorded as a condition of approval. N/A

Setbacks:

The proposed solar panel structures meet setbacks in for Un-Zoned areas.

Access:

Access to the property is obtained via 20000 North, 20800 North, 21600 North, and 22400 North.



County Department Review:

The County engineer has some comments that are currently being reviewed by the applicant.

FINDINGS:

Based on the analysis of the Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for commercial uses in the un-zoned areas which are approved by the Planning Commission through a Site Plan review.
2. The Site Plan will conform to all requirements within the Box Elder Land Use Management and Development Code after all comments from staff have been satisfied.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the site plan** subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP24-003, a Site Plan for a solar farm, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

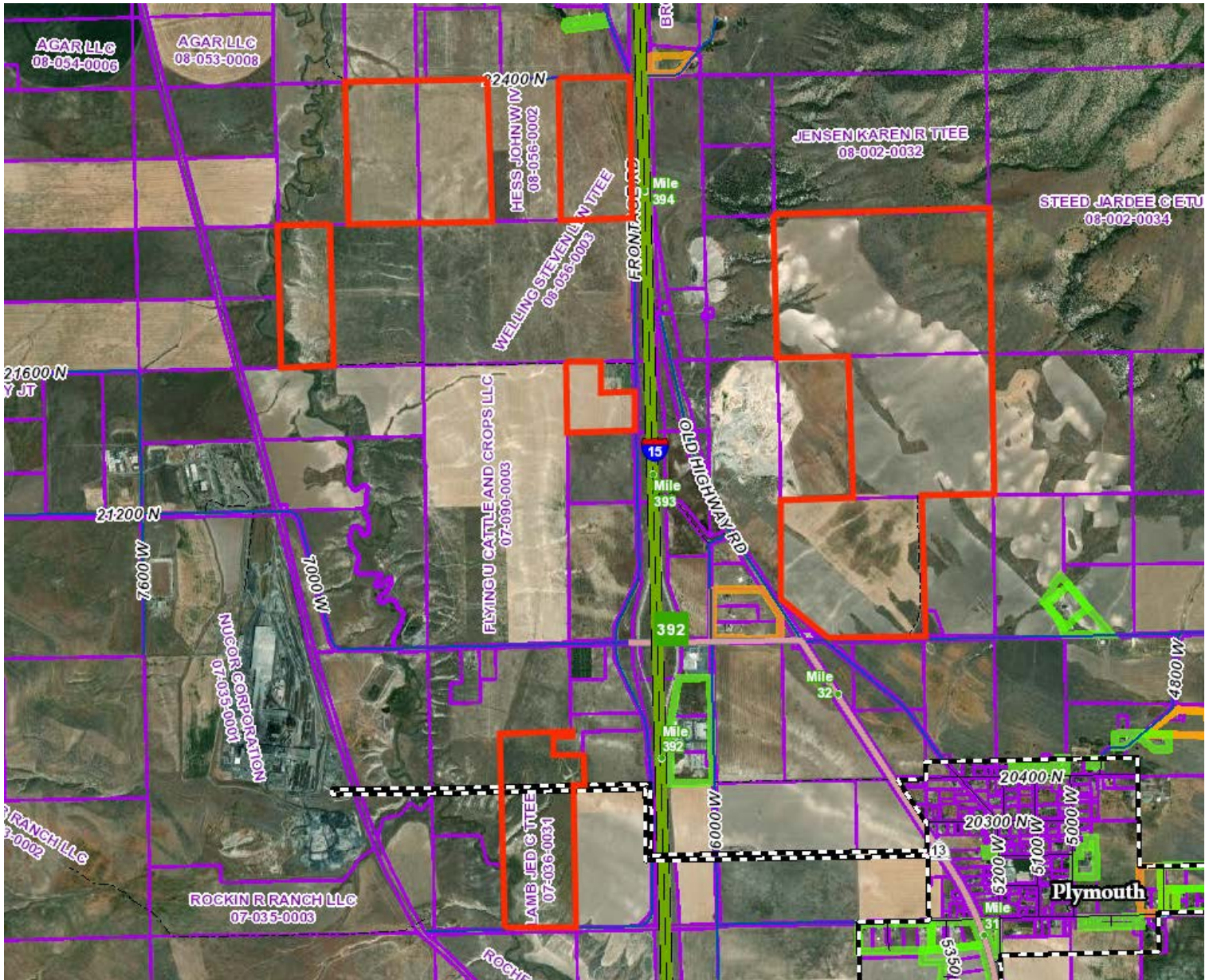
Table – “I move the Planning Commission table the review of application number SP24-003, a Site Plan for a solar farm, to (give date), based on the following findings:”

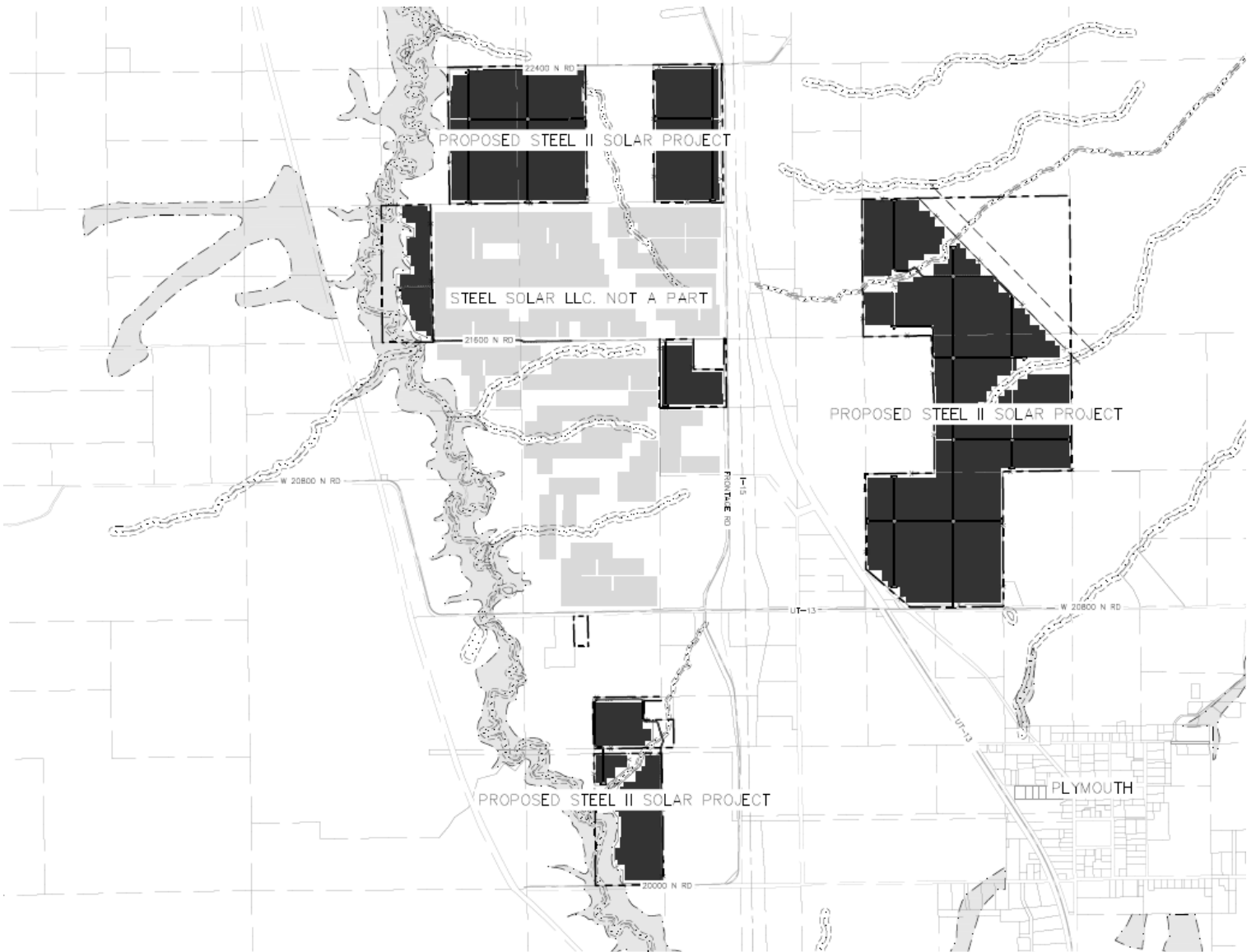
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP24-003, a Site Plan for a solar farm, based on the following findings:”

1. List findings for denial...

Please feel free to contact Marcus Wager at 435-734-3308 if you have any questions.







PLANNING COMMISSION
STAFF REPORT

Meeting Date: March 21, 2024

Agenda Item #: 8c

Application Type:

Site Plan

APPLICANT(S):

Dee Marble

PROJECT #:

SP24-001

ZONE:

Unzoned

PARCEL #:

05-101-0008

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

The applicant is requesting site plan approval for an additional building at an existing commercial site. The proposed building would consist of a daycare, sports court, and an apartment. The site is on approximately 1.92 acres located at 11175 West 11200 North in an unzoned area of Box Elder County west of Tremonton.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Agriculture	Unzoned
South	Agriculture	Unzoned
East	Rural Residential/Agriculture	Unzoned
West	Agriculture	Unzoned

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 2-2-120.D.2.c allows the proposed use as a permitted commercial use in unzoned areas subject to Site Plan approval.

Section 2-2-090 outlines the following standards for approval for permitted uses:

- A. The proposed use shall be allowed as a permitted use in the applicable zone.
Yes
- B. The proposed use shall conform to development standards of the applicable zone.
Whether the proposed use/design conforms to development standards is still being reviewed by the County Engineer.
- C. The proposed use shall conform to all applicable regulations of general applicability and regulations for specific uses set forth in this Code.
This is still under review.
- D. The proposed use shall conform to any other applicable requirements of Box Elder County Ordinances.
This is still under review.
- E. If the proposed use is located on a lot or parcel which has been subdivided without County

approval a subdivision plat shall be approved and recorded as a condition of approval.

N/A

Utilities:

The existing structures on site are already being served. The applicant has provided utility letters for water, power, and natural gas for the proposed building. The Health Department has provided a letter approving the site for septic.

Setbacks:

As shown, the proposed building meets setback requirements for unzoned areas. Setbacks will be enforced during the building permit process.

Access:

Access to the property is via 11200 North (Faust Valley Road), an existing county road.

Proposed Conditions:

Staff proposed conditions:

- All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
- All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code.

Items to discuss:

Canal company email and requests regarding:

- East access point
- Parking within the canal easement
- Fencing along the canal easement
- Drainage from property to canal

County Department Reviews:

- The County Roads Superintendent has reviewed and approved the proposed site plan.
- The County Engineer is currently reviewing the proposed site plan.
- The County Fire Marshal has reviewed and approved the proposed site plan.
- The County Building Official has reviewed and approved the proposed site plan.

FINDINGS:

Based on the analysis of the proposed Site Plan application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for a commercial daycare, sports court, and residential uses in the unzoned areas subject to Site Plan review and approval by the Planning Commission.



-
2. The proposed Site Plan is still under review by some departments.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE or TABLE the request** subject to the following conditions:

- 1.** Compliance with Section 2-2-090, Permitted 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 the County Engineer, Fire Marshal, and Building Official.
4. All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
5. All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code.
- 6.** Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
- 7.** Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP24-001, a Site Plan for a commercial daycare, sports court, and apartment, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

Table – “I move the Planning Commission table the review of application number SP24-001, a Site Plan for a commercial daycare, sports court, and apartment, to (give date), based on the following findings:”

1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Please feel free to contact Scott Lyons at 435-734-3316 if you have any questions.



COMMUNITY DEVELOPMENT DEPARTMENT
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