

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 18, 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 March 21, 2024 Planning Commission Minutes.

5. UNFINISHED BUSINESS

- a. **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**
- b. **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**
- c. **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**

6. PUBLIC HEARINGS

- a. **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**
- b. **LIGHTING STANDARDS ORDINANCE, Z24-002**, Request for a text amendment to create Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management and Development Code. **ACTION**

7. NEW BUSINESS

- a. **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**
- b. **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**

8. WORKING REPORTS

- a. Heritage Homestead - RV Park Text Amendment
- b. Geotech Report Text Amendment – Commission Zollinger

Posted on the County's official website and the Utah Public Notice Website
Friday April 12, 2024

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

April 18, 2024

9. PUBLIC COMMENT

10. ADJOURN_____

AGENDA

BOX ELDER COUNTY PLANNING COMMISSION MINUTES MARCH 21, 2024

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

Roll Call

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

the following Staff was present:

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

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

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

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

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

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

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

UNFINISHED BUSINESS

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

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

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

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

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

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

CONDITIONS:

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

PUBLIC HEARINGS – NONE

NEW BUSINESS

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

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

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

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

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

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

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

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

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

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

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

CONDITIONS:

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

WORKING REPORTS

Lighting Ordinance

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

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

PUBLIC COMMENTS - NONE

ADJOURN

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

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION STAFF REPORT

Meeting Date: April 18, 2024

Agenda Item #: 5a

Application Type:

Site Plan
Storage Units

APPLICANT(S):

Jeremy Draper

PROJECT #:

SP22-005

ZONE:

C-E (Commercial Enterprise)

PARCEL #:

01-047-0065

TYPE OF ACTION:

Administrative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting site plan approval for a storage unit facility of approximately 496 storage units. The proposed use is on an approximately 5.42 acre parcel located at 8980 South Highway 89 in the South Willard area of Box Elder County.

UPDATE: This application came to the Planning Commission on October 19, 2023. At that time the application was tabled for up to six (6) months to allow for county departments to review the application as staff hadn't received many (if any) reviews by that date. All departments, except engineering, have reviewed and approved the application. The tabled time has now elapsed and it has been placed back on the PC agenda for further review.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Rural Residential/Agriculture	RR-1
South	Hwy 89/Rural Residential	C-G
East	UDOT Road Shed	C-G
West	Hwy 89/Agriculture	R-1-20

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code Section 3-4-070-8.39.5 allows for personal storage facilities as a conditional use in the Commercial Enterprise (C-E) zone subject to Site Plan approval.

Section 2-2-100(E) outlines the following standards for approval for conditional uses:

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, gases, 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.

Setbacks:

All built and proposed structures currently or will adhere to the C-E building setbacks.



Access:

Access to the property is via Highway 89, an existing UDOT road.

Proposed Conditions:

The applicant is proposing the following:

-

Staff proposed conditions:

- All lighting shall be downward directed and be 100% shielded in order to prevent light pollution onto neighboring properties.
- Applicant to provide a geotechnical report for review by the county engineer.
- Any proposed signage shall be in compliance with Chapter 5-3 of the Box Elder County Land Use Management & Development Code.
- 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.
- 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.

County Department Reviews:

- The County Engineer is currently reviewing the site plan package. He is asking for a geotech report, updated storm water calculations, grading plan irregularities corrected, etc.
- The County Surveyor has approved the site plan.
- The County Roads Supervisor has approved the site plan.
- The County Fire Marshal has approved the site plan.
- The County Building Official has approved the 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 storage unit facilities in the C-E zone subject to Site Plan review and approval by the Planning Commission.
2. The proposed Site Plan is still under review by the County Engineer.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE, TABLE, or DENY the request.** If approved, staff ask that the approval be subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number SP22-005, a Site Plan for a storage unit facility, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

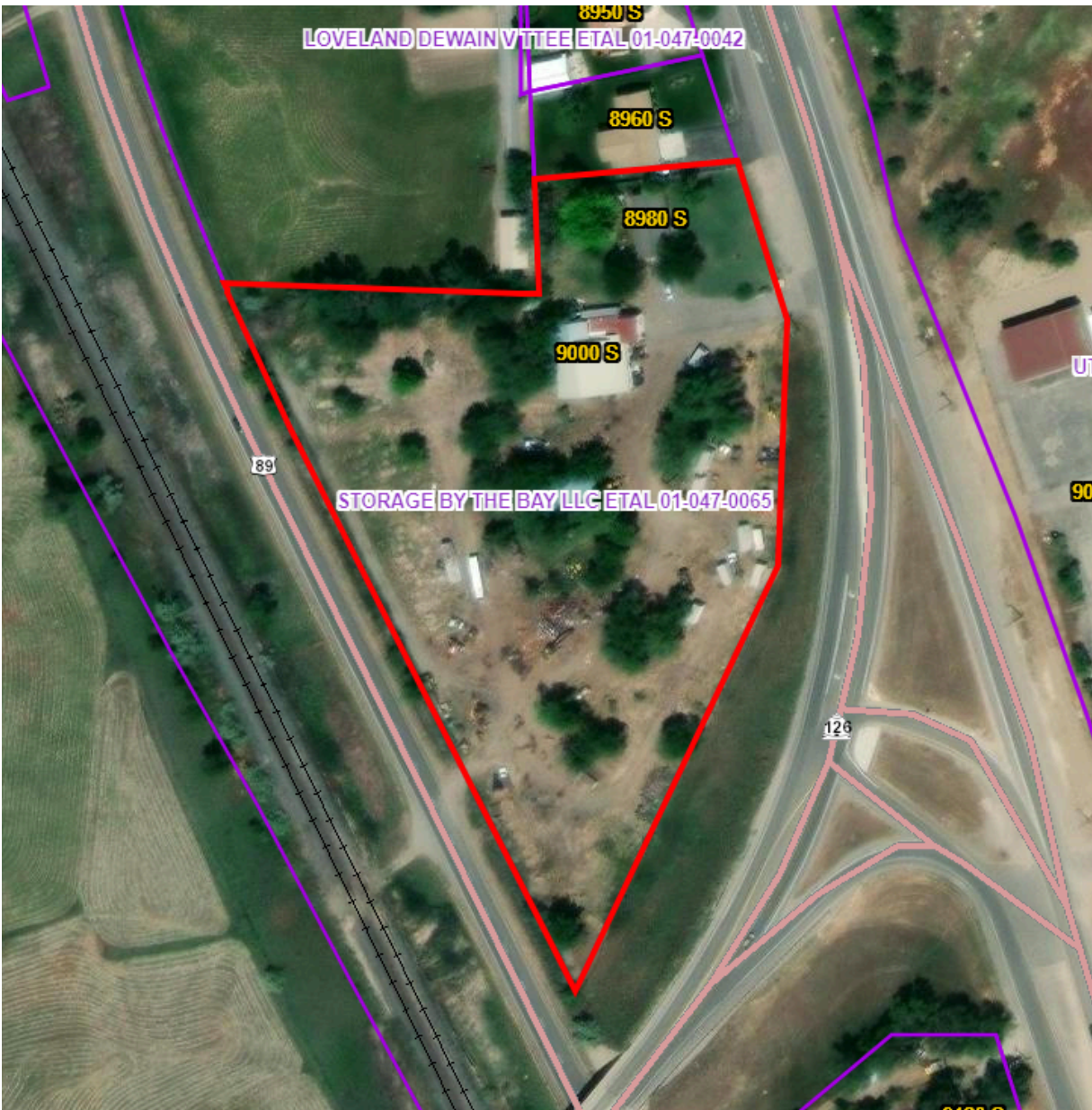
Table – “I move the Planning Commission table the review of application number SP22-005, a Site Plan for a storage unit facility, to (give date), based on the following findings:”

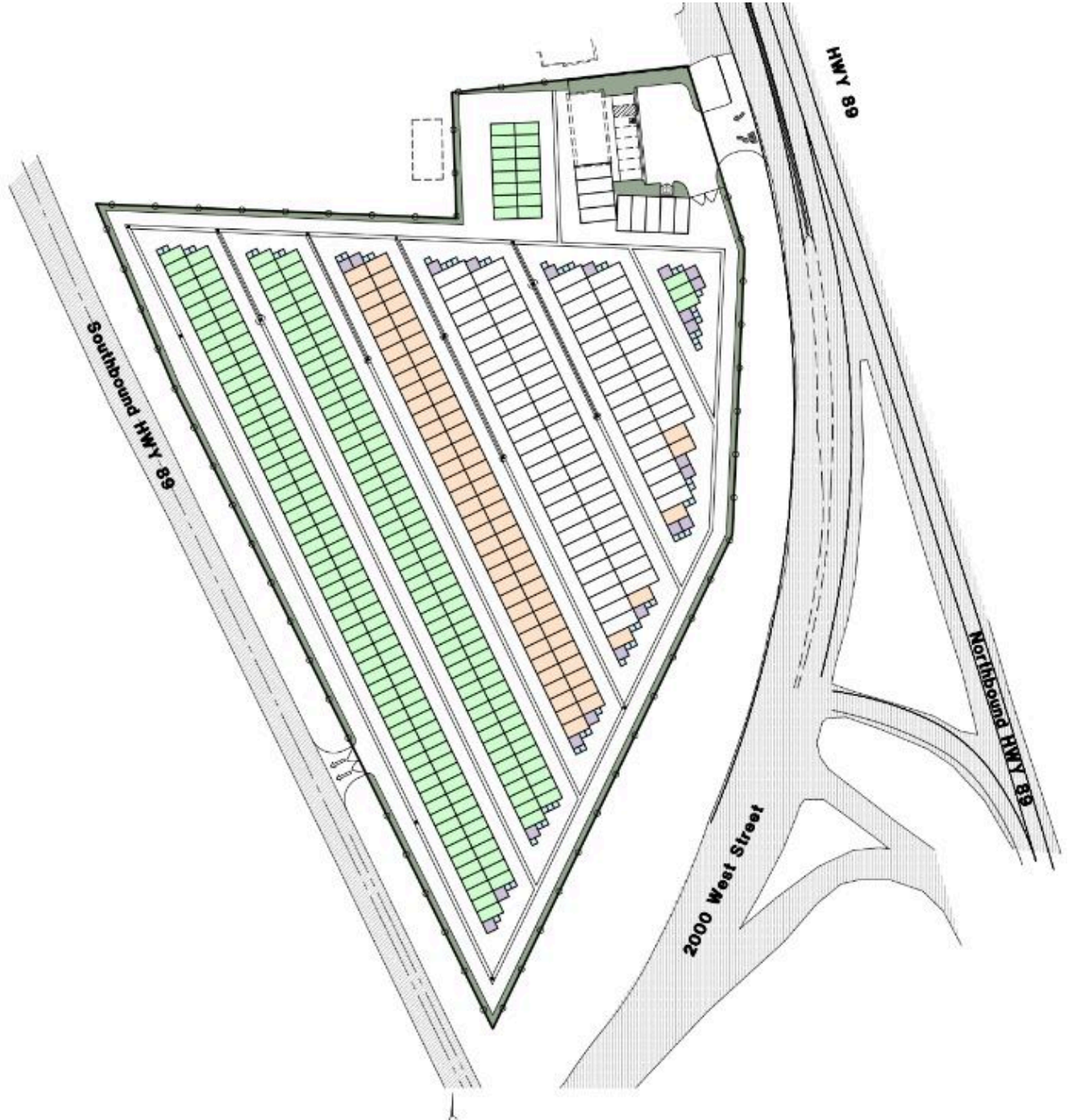
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number SP22-005, a Site Plan for a storage unit facility, based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.







PLANNING COMMISSION STAFF REPORT

Meeting Date: April 18, 2024

Agenda Item #: 5b

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.

UPDATE: Our engineer has stated that he is good to move forward with the storm water system the applicant has proposed, subject to reviewing the studies that will back that up. However, the studies will not be completed until the time of the building permit. I have asked our engineer if he is okay with reviewing the studies at that time and am awaiting his reply - an update can be given at the Planning Commission meeting.

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....

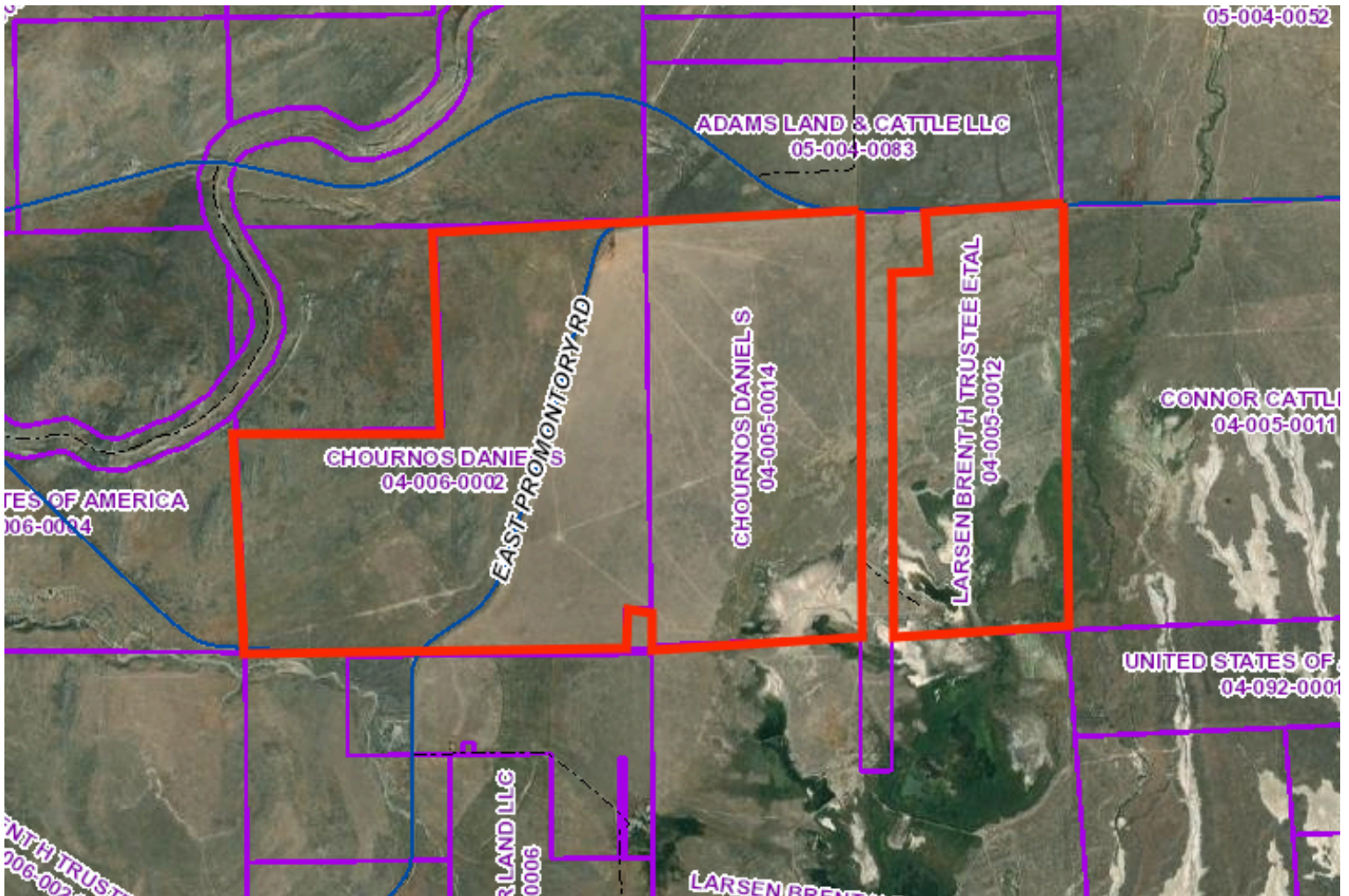
Table – “I move the Planning Commission table application number SP24-002, a Site Plan for a solar farm, to (give date), based on the following findings:”

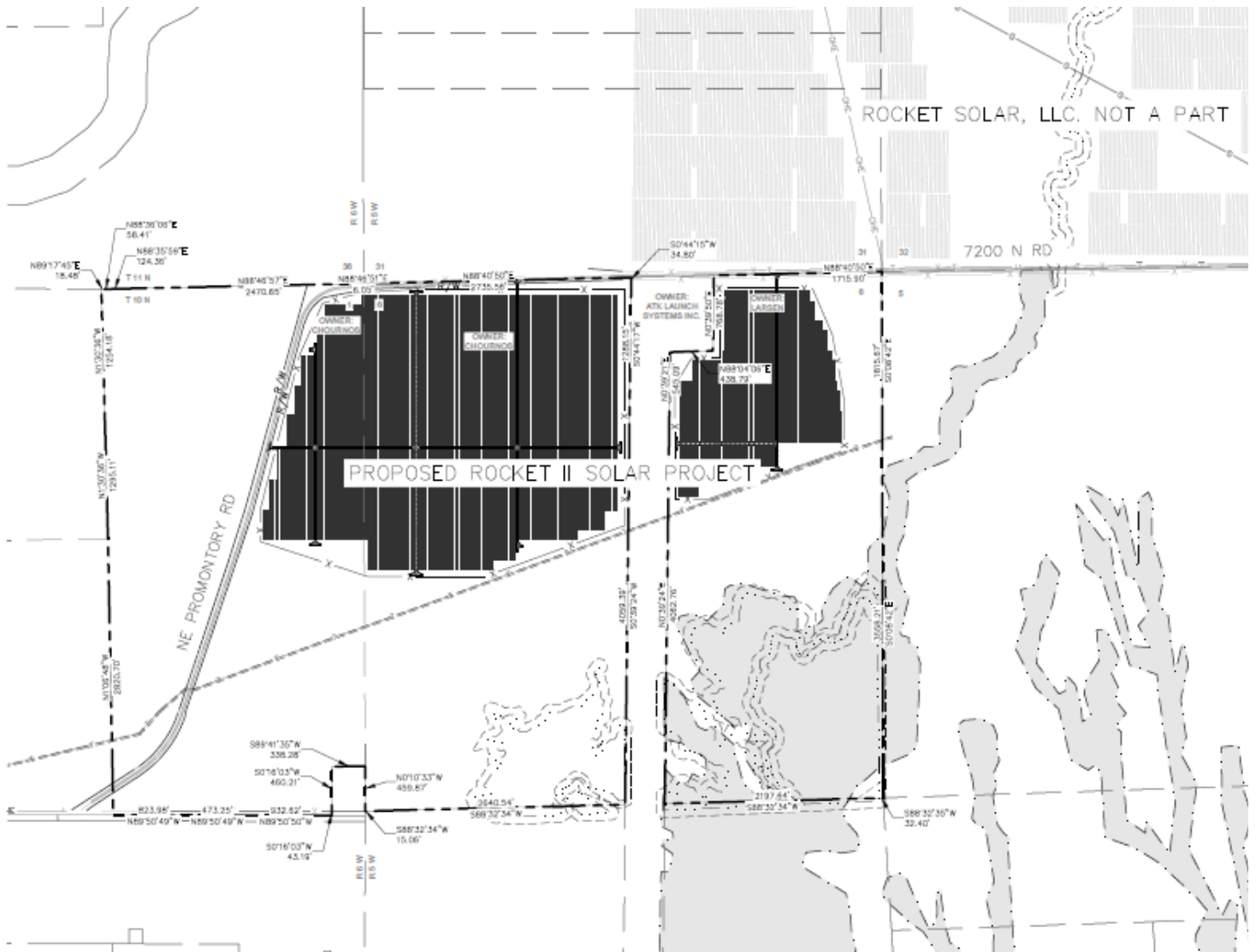
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

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: April 18, 2024

Agenda Item #: 5c

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.

UPDATE: Our engineer has stated that he is good to move forward with the storm water system the applicant has proposed, subject to reviewing the studies that will back that up. However, the studies will not be completed until the time of the building permit. I have asked our engineer if he is okay with reviewing the studies at that time and am awaiting his reply - an update can be given at the Planning Commission meeting.

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....

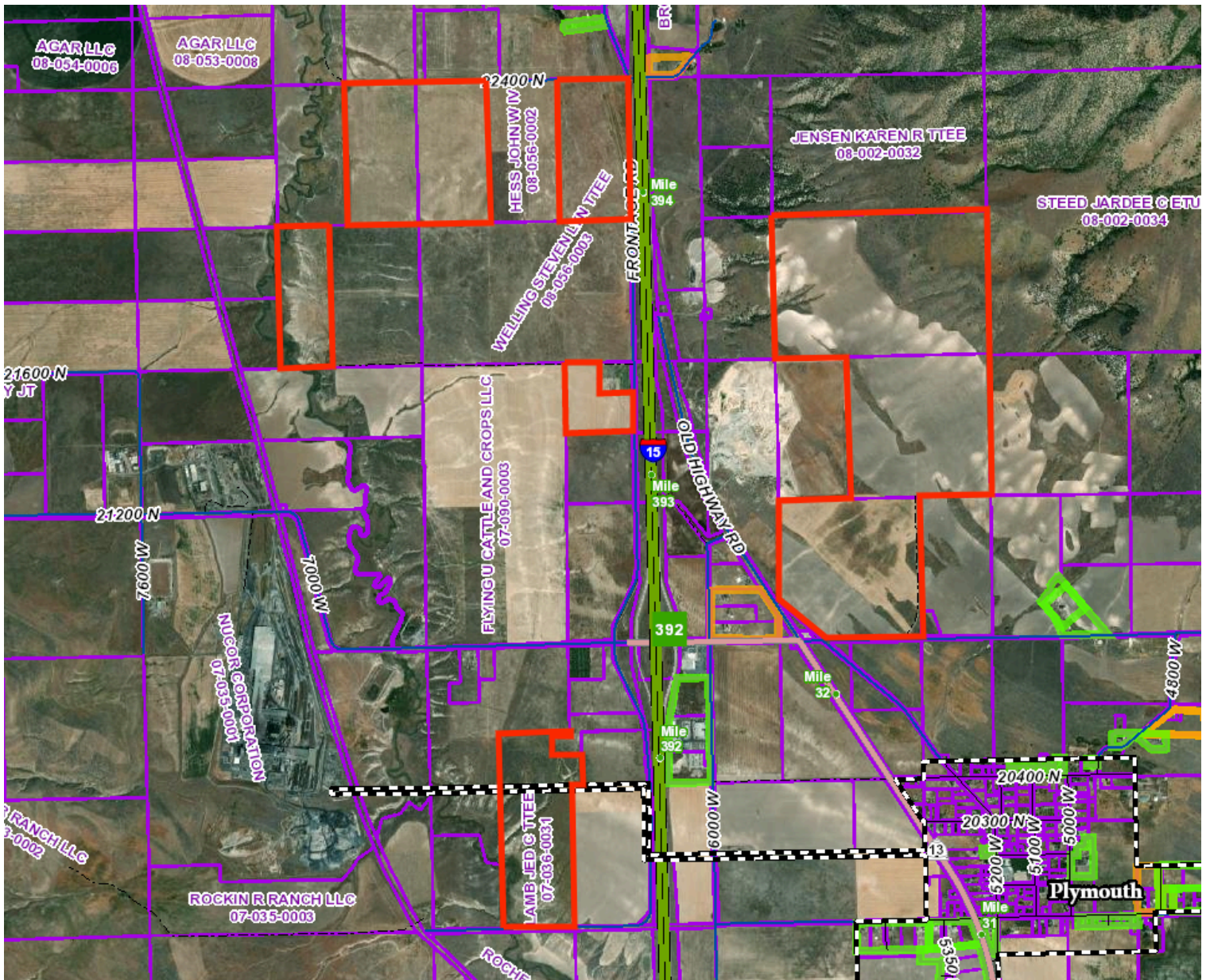
Table – “I move the Planning Commission table the review of application number SP24-003, a Site Plan for a solar farm, to (give date), based on the following findings:”

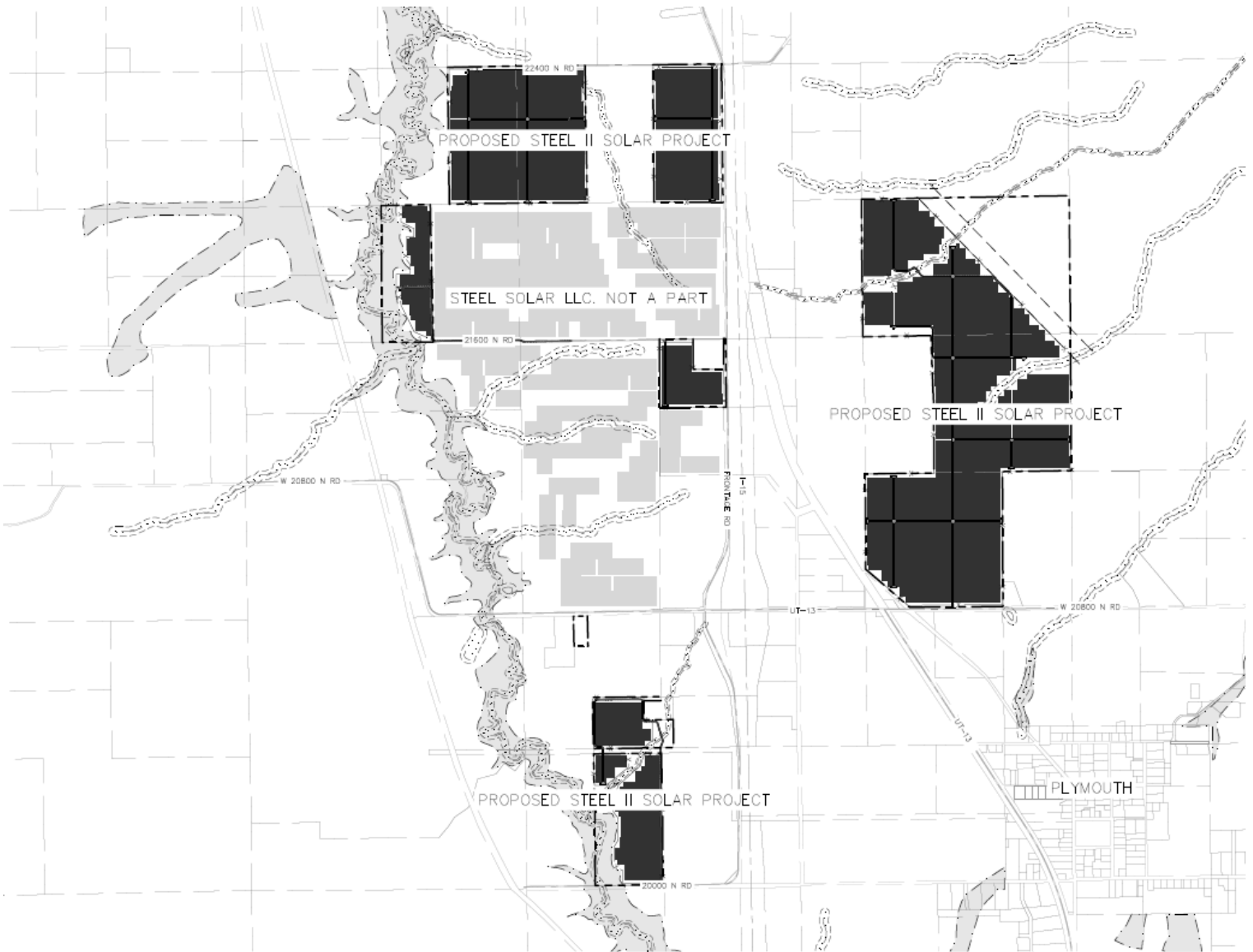
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

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: April 18, 2024

Agenda Item #: 6a

Application Type:

Zoning Map Amendment

APPLICANT(S):

Maria Martinez & Santos Robles

PROJECT #:

Z24-003

ADDRESS:

Approximately: 12300 W Faust Valley Road

PARCEL #:

05-100-0064

CURRENT ZONE:

A-20

TYPE OF ACTION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting that parcel 05-100-0064 (7.7 acres) be rezoned from A-20 (Agriculture 20 acres) to the C-G (General Commercial) zone for 2 acres of the 7.7 and RR-5 (Rural Residential 5 acres) for the other 5.7 acres. The parcel is located in the Bothwell area.

ANALYSIS

County Code:

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone subject to zoning map amendment approval by the County Commission with a recommendation from the Planning Commission.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agricultural	RR-5
South	Agricultural	R-1-20
East	Rural Residential/Ag	R-1-20
West	Rural Residential/Ag	MU-40

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-060-A states that zoning map amendments are a legislative proceeding. Per said section:

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.

Box Elder County Land Use Management & Development Code section 2-2-080-E outlines the following 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 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; and

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.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the re-zone of the subject parcel from A-20 (Agriculture 20 acres) to the C-G (General Commercial) zone for 2 acres of the 7.7 and RR-5 (Rural Residential 5 acres) zone for the other 5.7 acres and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the re-zone of properties subject to zoning map amendment review procedures and approval.
2. 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.
3. This application is for a rezone from A-20 (Agriculture 20 acres) to the C-G (General Commercial) zone for 2 acres of the 7.7 and RR-5 (Rural Residential 5 acres) for the other 5.7 acres.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission has three options to forward as a recommendation to the County Commission.** As this is a legislative decision additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the legislative body staff recommends it be subject to the following conditions:

1. A subdivision will be done so both zoning districts will work for the intended uses.
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 Article 5 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 forward a recommendation of approval to the County Commission, application number Z24-003, a zoning map amendment from A-20 (Agriculture 20 acres) to the C-G (General Commercial) zone for 2 acres of the 7.7 and RR-5 (Rural Residential 5 acres) for the other 5.7 acres and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....



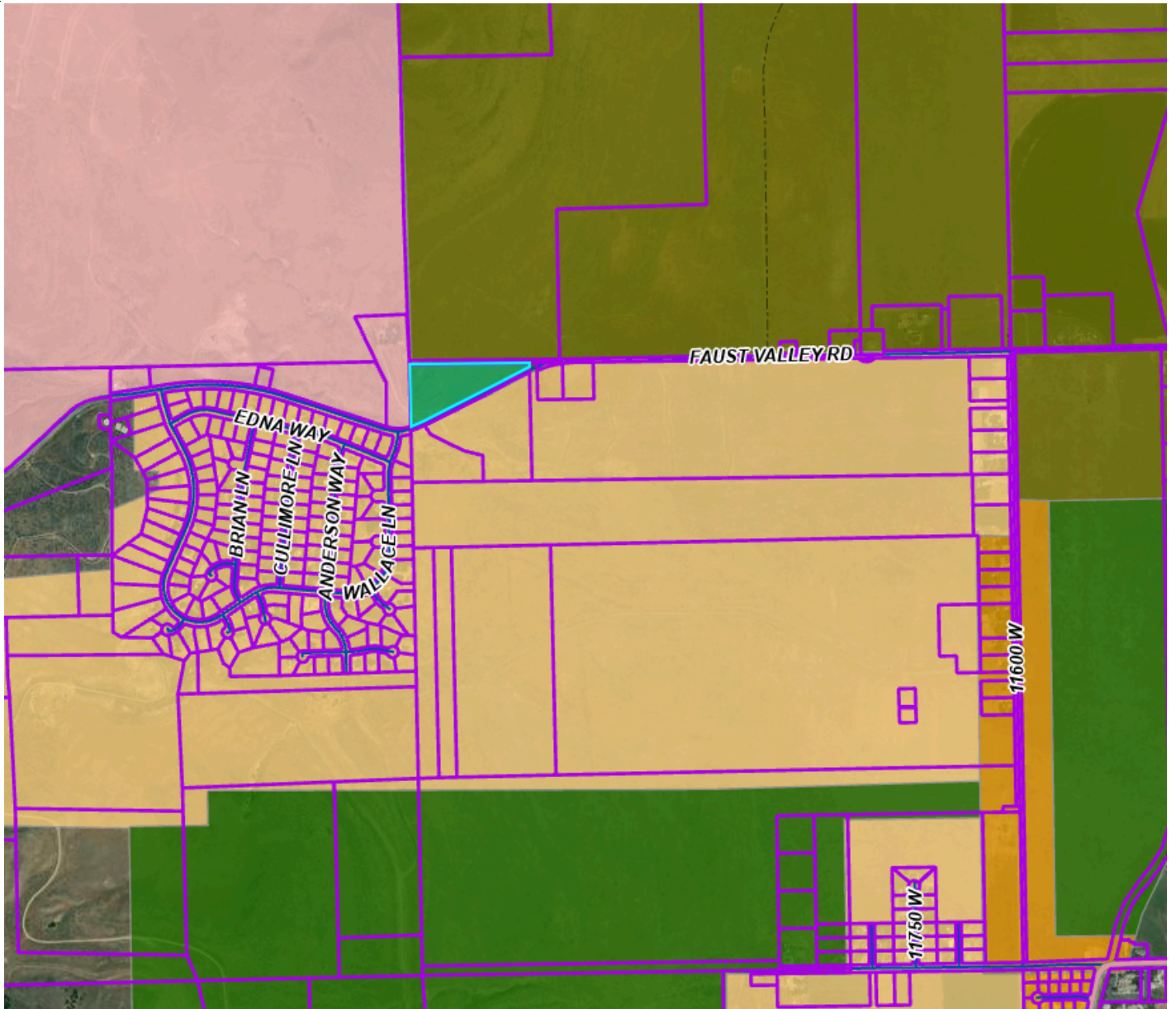
Table – “I move the Planning Commission table the review of application number Z23-006, a zoning map amendment from A-20 (Agriculture 20 acres) to the RR-20 (Rural Residential 20,000 sq. ft.) zone to (give date), based on the following findings:”

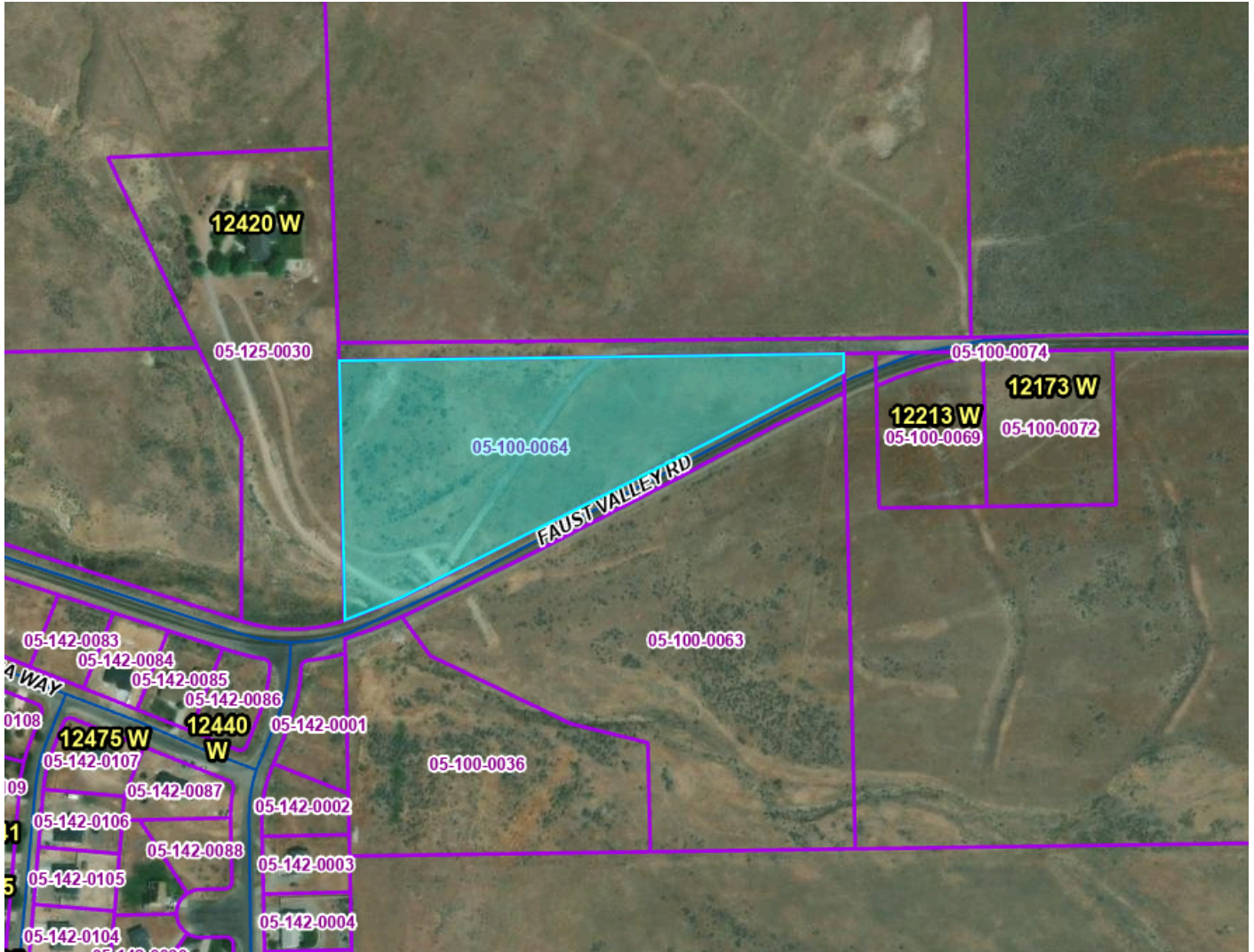
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission forward a recommendation of denial to the County Commission, application number Z23-006, a zoning map amendment from A-20 (Agriculture 20 acres) to the RR-20 (Rural Residential 20,000 sq. ft.) zone 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: April 18, 2024
Agenda Item #: 6b**

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Dean Lester

PROJECT #:

Z24-002

ORDINANCE:

Chapter 5-9: Outdoor Lighting Standards

TYPE OF APPLICATION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting a text amendment to create Chapter 5-9: Outdoor Lighting Standards as an addition to the Box Elder County Land Use Management & Development Code. The proposed amendment would affect the code as a whole with the addition of the chapter as well as adding new definitions to Chapter 1-3 (Definitions) of the Code.

ANALYSIS

County Code:

The Box Elder Land Use Management & Development Code 2-2-080(C) allows a property owner to apply for and request an amendment to the text of the Box Elder County Land Use Management & Development Code. These amendments are decided upon by the County Commission with a recommendation from the Planning Commission.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-080 outlines the following standards for review for zoning text amendments.

- 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; and**
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.

FINDINGS:

Based on the analysis of the ordinance text amendment application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for ordinance text amendments subject to review procedures and approval by the County Commission with a recommendation from the Planning Commission.
2. The Planning Commission will need to determine if this application meets the standards in Section 2-2-080.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and a review of areas, the Planning Commission should forward a recommendation to the County Commission. As this is a legislative decision, additional information may be taken into account such as public input, resident preferences, private property rights, economic considerations, etc.

If a recommendation of approval is forwarded to the County Commission, staff recommends it be subject to the following 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.

MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z24-002, an ordinance text amendment 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 Z24-002, an ordinance text amendment 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 forward a recommendation of denial to the County Commission, application number Z24-002, an ordinance text amendment based on the following findings:”

1. List findings for denial...

Please feel free to contact Destin Christiansen at 435-695-2547 if you have any questions.

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.

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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 luminaries.
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:

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- 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.

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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.

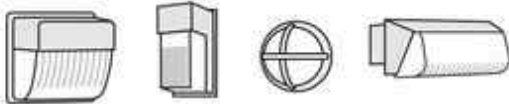
1. The figures and information sheets attached to the ordinance codified in this chapter shall be incorporated into this chapter as guidelines for the public and the County. The County does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the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

Unacceptable / Discouraged

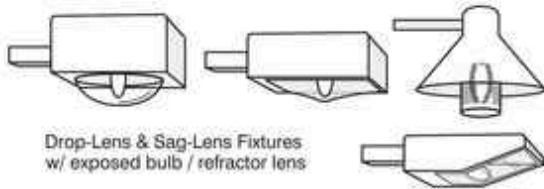
Fixtures that produce glare and light trespass



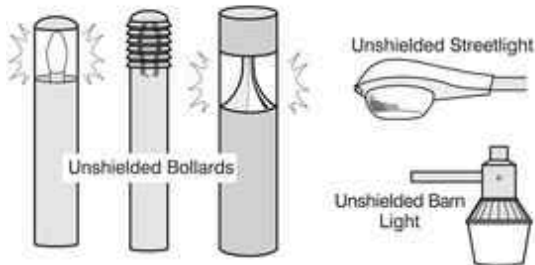
Unshielded Floodlights or Poorly-shielded Floodlights



Unshielded Wallpacks & Unshielded or Poorly-shielded Wall Mount Fixtures



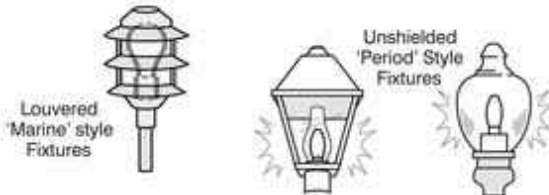
Drop-Lens & Sag-Lens Fixtures w/ exposed bulb / refractor lens



Unshielded Streetlight

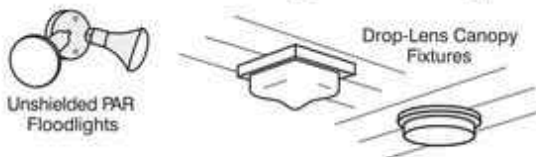
Unshielded Bollards

Unshielded Barn Light



Louvered 'Marine' style Fixtures

Unshielded 'Period' Style Fixtures

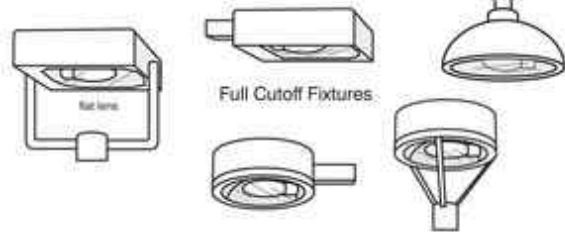


Unshielded PAR Floodlights

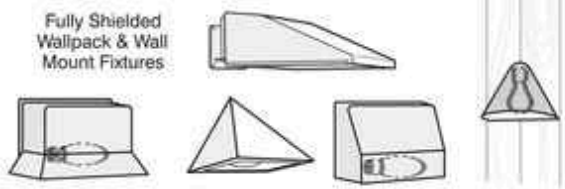
Drop-Lens Canopy Fixtures

Acceptable

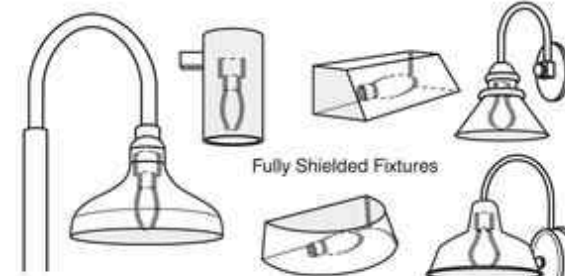
Fixtures that shield the light source to minimize glare and light trespass and to facilitate better vision at night



Full Cutoff Fixtures



Fully Shielded Wallpack & Wall Mount Fixtures



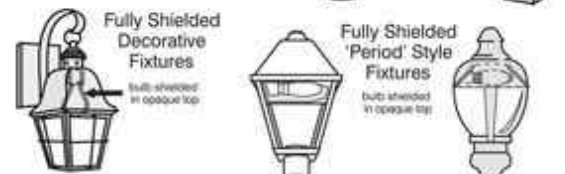
Fully Shielded Fixtures



Full Cutoff Streetlight

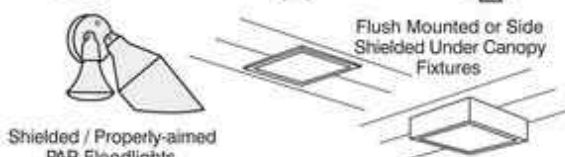
Fully Shielded Barn Light

Fully Shielded Walkway Bollards



Fully Shielded Decorative Fixtures

Fully Shielded 'Period' Style Fixtures

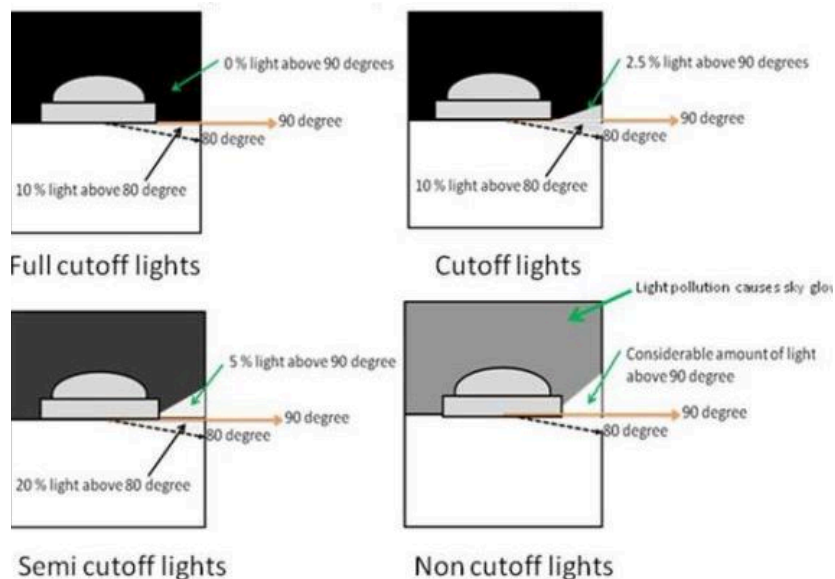


Shielded / Properly-aimed PAR Floodlights

Flush Mounted or Side Shielded Under Canopy Fixtures

Section 1-3-040. 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.

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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.

**PLANNING COMMISSION
 STAFF REPORT**

**Meeting Date: April 18, 2024
 Agenda Item #: 7a**

Application Type:
 Preliminary Subdivision
 Phase 2

APPLICANT(S):
 Brodie Calder

PROJECT #:
 SS24-005

ADDRESS:
 16000 N 6000 W
 Riverside area

ZONE:
 Unzoned

PARCEL #:
 06-110-0010, -0005

REPORT BY:
 Scott Lyons,
 Community Development

BACKGROUND

The applicants are requesting preliminary approval of the Lookout Mountain Subdivision Phase 2 plat. The proposed subdivision is for 10 new lots 1.75 acres in size. The existing parcel is 284.19 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	Unzoned
South	Agriculture/Rural Residential	Unzoned
East	Rural Residential	Unzoned
West	Agriculture	Unzoned

Access:

Access would be via a proposed new road, 16000 North, connecting to County road 6000 West.

Utilities:

The County has received utility will-serve letters from Miller Gas, Rocky Mountain Power, and water rights for 20 dwellings have been approved by the Division of Water Rights. The water rights also include seven acres for irrigation and 100 ELUs (equivalent livestock units) for stock water. 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. As stated above, irrigation and stock water shares are owned by the developer. No plan for water rights and distribution has been established and submitted at this point in the project.

Setbacks:

All setbacks for unzoned areas can be met. Setbacks will be reviewed and enforced during the building permit process.

County Department Reviews:

County Surveyor

- Has requested some changes to lot addressing, land ownership noted on the plat, as well as some of the general notes regarding improvements.

Fire Marshal

- Has requested one note regarding fire hydrants and indoor fire sprinklers be added to the plat.

Planning & Zoning

- 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 mailbox(s). The location(s) must be shown on the 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 does not comply with County development standards.
2. The applicant's surveyor/engineer is currently revising the plat based on County reviews.
3. Modifications to the proposed preliminary plat may be made to bring it into conformance with the County Land Use Management & Development Code. A variance may be necessary to bring the proposed plat into compliance with the Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission TABLE the proposed preliminary plat based on the findings above and any others the Planning Commission finds. This allows the applicant time to address the items in the county department reviews and meet the conditions below:**

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.

MODEL MOTIONS

Approval – "I move the Planning Commission approve application number SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, 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 SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, 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 SS24-005, a preliminary plat for the Lookout Mountain Subdivision Phase 2, 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.



PLANNING COMMISSION
STAFF REPORT

Meeting Date: April 18, 2024
Agenda Item #: 7b

Application Type:
 Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):
 Jared Fawson

PROJECT #:
 CUP24-002

ZONE:
 Unzoned

PARCEL #:
 06-048-0121

TYPE OF ACTION:
 Administrative

REPORT BY:
 Marcus Wager,
 County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an Accessory Dwelling Unit. They seek to build an approximate 1600 square foot accessory dwelling unit. Their existing home is approximately 5000 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 14865 North 4400 West in the East Garland area.

Surrounding Land Use and Zoning:

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

ANALYSIS

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 5-6-060(D) allows one (1) ADU per lot or property in zones that allow single-family dwellings subject to Conditional Use Permit approval. Section 2-2-100 outlines the following standards for review for conditional uses.

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, gases, 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.

Setbacks:

All built and proposed structures currently or will adhere to the unzoned building setbacks.

Access:

Access to the property is obtained off of 4400 West, an existing county road.

County Department Review:

All applicable County departments have reviewed this.

FINDINGS:

Based on the analysis of the Conditional Use Permit application, staff concludes the following:

1. The Box Elder Land Use Management and Development Code does allow for Conditional Use Permits for accessory dwelling units that are approved by the Planning Commission.
2. Subject to the applicant's compliance with the conditions set forth by the Planning Commission they should be eligible for a Conditional Use Permit.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE the requested Conditional Use Permit with the following conditions:**

Conditions of Approval:

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.

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, 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 the review of application number CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, 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 CUP23-008, a Conditional Use Permit for an Accessory Dwelling Unit, 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.

