

# BOX ELDER COUNTY PLANNING COMMISSION AGENDA

November 21, 2019

1. **CALL TO ORDER** 6:00 p.m. (County Commission Chamber Room, Main Floor)
  - a. Roll Call (Commissioners L. Munns, D. Larsen, K. McGaha, M. Udy, B. Robinson, M. Wilding and J. Holmgren)
2. **INVOCATION**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL of the October 22, 2019 Planning Commission Minutes.**
5. **UNFINISHED BUSINESS**
  - a. NONE
6. **PUBLIC HEARINGS**
  - a. **DAVIS REZONE, Z19-009**, Request for a re-zone from A-20 to RR-2 for 18 acres on the North part of parcel #: 01-041-0037 at approximately 7750 South 1100 West in the South Willard area of Unincorporated Box Elder County. **ACTION**
7. **NEW BUSINESS**
  - a. **MILLER FARM SUBDIVISION, S19-038**, Request for final approval for a 6-lot subdivision located at approximately 17220 North 6000 West in Unincorporated Box Elder County. **ACTION**
  - b. **ALLRED AGRICULTURAL SUBDIVISION, AS19-005**, Request for approval for splitting off a home from agricultural land located at approximately 3101 West 1000 North in Unincorporated Box Elder County. **ACTION**
  - c. **ALLRED AGRICULTURAL SUBDIVISION, AS19-006**, Request for approval for dividing agricultural land from one parcel into two located at approximately 3101 West 1000 North in Unincorporated Box Elder County. **ACTION**
  - d. **FERHNER AGRICULTURAL SUBDIVISION, AS19-007**, Request for approval for dividing agricultural land from one parcel into two located at approximately 3398 North 6000 West in Unincorporated Box Elder County. **ACTION**
  - e. **ROCKET SOLAR LLC SITE PLAN, SP18-005**, Request for an extension of approval for a solar farm located at approximately Golden Spike Dr. and HWY 83 in Unincorporated Box Elder County. **ACTION**
8. **WORKING REPORTS**
  - a. NONE
9. **PUBLIC COMMENT**
10. **ADJOURN**\_\_\_\_\_

# BOX ELDER COUNTY PLANNING COMMISSION MINUTES OCTOBER 22, 2019

---

The Board of Planning Commissioners of Box Elder County, Utah met in the Box Elder County Commission Chambers at 6:00 p.m. The following members were present by a roll call, constituting a quorum:

*Roll Call*

Laurie Munns	Excused
Mellonee Wilding	Excused
Kevin McGaha	Member
Michael Udy	Member
Desiray Larsen	Member
Bonnie Robinson	Member
Jared Holmgren	Member

*the following Staff was present:*

Scott Lyons	Comm Dev Director
Marcus Wager	Excused
Steve Hadfield	Excused
Jeff Scott	Commissioner
Diane Fuhriman	Executive Secretary

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to nominate **Commissioner Michael Udy** as Chairman Pro-Tem for the October 22, 2019 Planning Commission Meeting. The motion was seconded by **Commissioner Jared Holmgren** and unanimously passed.

**Commissioner Michael Udy** called the meeting to order at 6:00 p.m.

The Invocation was offered by **Community Development Director Scott Lyons**. Pledge was led by **Community Development Director Scott Lyons**

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

There were no attendees at the meeting.

The Minutes of the September 19, 2019 meeting were made available to the planning commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Bonnie Robinson** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**UNFINISHED BUSINESS - NONE**

**PUBLIC HEARINGS**

**GENERAL PLAN AMENDMENT, GP19-001 Text amendment to the Box Elder County General Plan to include a Moderate Income Housing Plan. ACTION**

Staff explained this amendment is to include a moderate income housing plan to the Box Elder County General Plan. The County has a moderate income housing plan and has been required to give reports on the plan bi-annually to the state. The Utah legislature is now requiring this housing plan be included in each City’s and County’s general plan. There is a list of 27 items from which 3 items need to be picked and included in the plan. Box Elder County is doing well as far as moderate income house supply goes. There are areas in the state where there is a severe lack of housing which is one reason housing prices continue to increase. Staff said they have complied with 5 or 6 items from the list of 27 which will be beneficial if in the future the legislature requires more items be added to the plan. This will go before the County Commission in November and will be adopted into the general plan.

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

Hearing no comments, a motion was made by **Commissioner Desiray Larsen** to close the public hearing on the General Plan Amendment, GP19-001, the motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

**ACTION**

**Commissioner Desiray Larsen** asked who wrote the moderate income housing plan for Box Elder County? Staff answered the Bear River Association of Governments (BRAG) who acts as the County’s housing authority created the plan.

**Commissioner Bonnie Robinson** questioned what affordable housing means. Staff replied affordable housing describes the group as a whole, but the plan breaks that down further to three categories. *See below.*

*Table 3.1. Household income and maximum affordable rent and mortgage loan by AMI level (CHAS, 2014; U.S. Census Bureau, 2016g).*

Targeted AMI	Annual Household Income	Maximum Affordable Rent <sup>1</sup>	Maximum Affordable Mortgage <sup>2</sup>
≤30% AMI	\$16,654	\$416	\$34,086
>30% to ≤50% AMI	\$27,757	\$693	\$82,270
>50% to ≤80% AMI	\$44,411	\$1,110	\$154,546

<sup>1</sup>Maximum affordable gross rent included utilities.

<sup>2</sup>Maximum affordable mortgage loan assumed a monthly utility expense of \$220. This was based on local estimates. For the purpose of calculating mortgage payments, a 3.71% interest rate on a 30-year fixed rate mortgage was assumed.

Staff explained the decision to amend the general plan is a matter within the legislative discretion of the County Commission. The Planning Commission must hold a public hearing and make a recommendation to the County Commission. After the public hearing, the County Commission may make any modifications to the proposed general plan that is considered appropriate and adopt the general plan amendment as proposed or rejected.

**MOTION:** A Motion was made by **Commissioner Jared Holmgren** to recommend approval to the County Commission for General Plan Amendment G19-001, a text amendment to the general plan to include moderate income housing. The motion was seconded by **Commissioner Kevin McGaha** and passed unanimously.

**NEW BUSINESS- NONE**

**WORKING REPORTS - NONE**

**PUBLIC COMMENTS - NONE**

**ADJOURN**

**MOTION:** A Motion was made by **Commissioner Bonnie Robinson** to adjourn Box Elder County Planning Commission meeting of October 22, 2019. The motion was seconded by **Commissioner Jared Holmgren** and the meeting adjourned at 6:22 p.m.

---

Laurie Munns, Chairman  
Box Elder County Planning Commission



---

# PLANNING COMMISSION

## STAFF REPORT

---

Meeting Date: Nov 21, 2019

Agenda Item #: 6a

---

**Application Type:**

Zoning Map Amendment

**APPLICANT(S):**

Bob & Ronda Davis

**PROJECT #:**

Z19-009

**ADDRESS:**

1100 West 7800 South in  
the South Willard area

**PARCEL #:**

01-041-0033, -0034, -0037

**CURRENT ZONE:**

A-20 (Agriculture 20 acres)

**TYPE OF ACTION:**

Legislative

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting that parcels 01-041-0033, -0034, -0037 be rezoned from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone. This area totals approximately 19 acres. Almost three years ago the applicant requested the same area be rezoned to the same RR-2 zone. The Planning Commission forwarded a recommendation of denial to the County Commission. The recommendation was based on public input as well as the zoning designation in the South Willard Community Plan. The County Commission went on to approve the rezone of approximately 15 acres (half the original requested acreage) along the 7800 South frontage to the RR-2 zone. Four of those 15 acres were subsequently rezoned to C-G (Commercial General) in 2018.

**ANALYSIS**

**County Code:**

Land Use Management & Development Code 2-2-080.C allows a property owner to apply for and request a re-zone for his/her property 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/Rural Residential	A-20
South	Agricultural/Commercial	A-20
East	I-15	R-1-20
West	Agricultural	A-20

**Land Use Ordinance Standards Review:**

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 South Willard Community Plan addresses this area as A-20 and does not recommend anything other than this zoning designation for the future. The County's General 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;**

*The area has some dispersed housing units, commercial (livestock auction), but is mainly agricultural. Whether the proposed amendment is harmonious with the overall character of existing development is subjective. This point could be argued saying yes, it is harmonious due to there being R-1-20 zoning just across I-15. The RR-2 zoning could be a bridge from A-20 to R-1-20.*

**C. The extent to which the proposed amendment may adversely affect adjacent property; and**

*The proposed amendment shouldn't affect the values of adjacent property.*

**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.**

*To staff's knowledge there is no culinary water system west of I-15. Water would either need to be provided by well or new infrastructure developed for the South Willard Water system. There would need to be sufficient culinary water to serve approximately 12 residences. Any development would be on septic systems as is the norm in unincorporated county. Fire protection would be dependent on water infrastructure. It would either require hydrants on new water lines or sprinkler suppression systems in individual homes.*

**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) and C-G (General Commercial) to RR-2 (Rural Residential 2 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 RR-2 zone isn't included as a future zone in the South Willard Community Plan.
3. Services to the property would need to be developed.
4. The South Willard Community Plan is not required to be enforced.
5. Infrastructure can be expanded at the applicant's expense.
6. This application is for a rezone from A-20 and C-G to RR-2.

**RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, 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 legislative body 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 Z19-009, a zoning map amendment from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone 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 Z19-009, a zoning map amendment from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) 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 Z19-009, a zoning map amendment from the A-20 (Agriculture 20 acres) and C-G (General Commercial) zone to RR-2 (Rural Residential 2 acres) zone based on the following findings:”

1. List findings for denial...

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

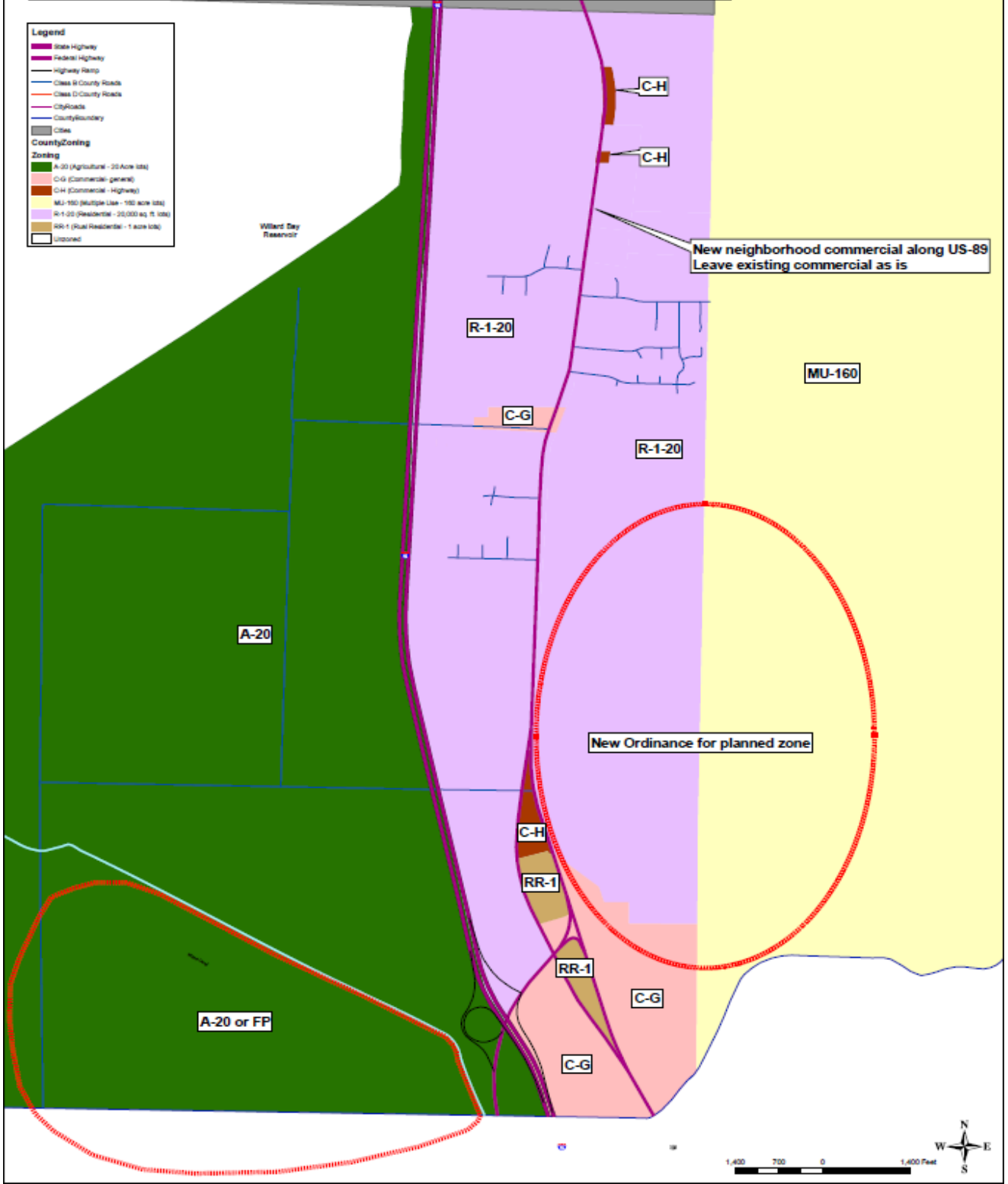
### Map A: South Willard Community Plan - Zoning Options

**Legend**

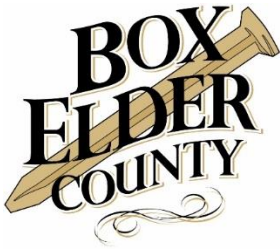
- State Highway
- Federal Highway
- Highway Road
- Class B County Roads
- Class C County Roads
- City Roads
- County Boundary
- City
- County

**County Zoning**

- A-20 (Agriculture - 20 acre lots)
- C-G (Commercial - general)
- C-H (Commercial - highway)
- MU-160 (Multiple Use - 160 acre lots)
- R-1-20 (Residential - 20,000 sq. ft. lots)
- RR-1 (Rural Residential - 1 acre lots)
- Unzoned









---

# PLANNING COMMISSION

## STAFF REPORT

---

**Meeting Date: November 21, 2019**  
**Agenda Item #: 7a**

---

**Application Type:**

Subdivision - Final

**APPLICANT(S):**

Jeremy Petersen

**PROJECT #:**

SS19-038

**ADDRESS:**

17220 North 6000 West  
(Riverside Area)

**ZONE:**

Un-Zoned

**PARCEL #:**

07-049-0090

**REPORT BY:**

Scott Lyons,  
Comm. Dev. Director

**BACKGROUND**

The applicant is requesting final approval of the Miller Farm Subdivision plat. The proposed subdivision is six lots ranging in size from 3.17 to 5.5 acres.

**ANALYSIS**

**County Code:**

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	Un-zoned
South	Agriculture	Un-zoned
East	Agriculture	Un-zoned
West	Rural Residential	Un-zoned

**Access:**

Access to all lots will be via county road 6000 West.

**Utilities:**

The letters for power and water have been submitted and are satisfactory. The septic tests were done two years ago, we are just waiting on an updated letter from the Bear River Health Department.

**Setbacks:**

All setbacks for this un-zoned area can be met. Setbacks will be reviewed and enforced during the building permit process.

**Land Use Ordinance Standards Review:**

Box Elder County Land Use Management & Development Code Article 6 outlines the requirements for subdivision review.

**County Department Reviews:**

The Roads Supervisor is requiring that any new driveways or improvements off 6000 West get a permit through his department before installed.

The Fire Marshal is requiring a new hydrant be installed at the south end of Lot 1. It should sit 1000 feet from the existing hydrant.

The County Engineer still needs to review the improvement estimate from the applicant's engineer. Once that is done the amounts will be included in the development agreement approved by the County Commission.



---

### **Findings:**

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

1. With conditions outlined in the recommendation section of the staff report, the final subdivision plat will comply with the subdivision regulations of Box Elder County, after all of the comments are satisfied.

### **RECOMMENDATION**

Based on the information presented in this report, application materials submitted and the site review, **staff recommends the Planning Commission APPROVE of the Final Plat** subject to the following conditions:

1. Compliance with all the comments from County Staff.
2. Submittal of a current title report, septic letter, and improvement estimate.
3. Final approval of the plat and development agreement by the County Commission.
4. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Chapter 6-1, Subdivisions, of the Box Elder County Land Use Management & Development Code.
6. 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 SS19-038, a final plat for the Miller Farm Subdivision, located at approximately 17220 North 6000 West in the Riverside area of unincorporated Box Elder County, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

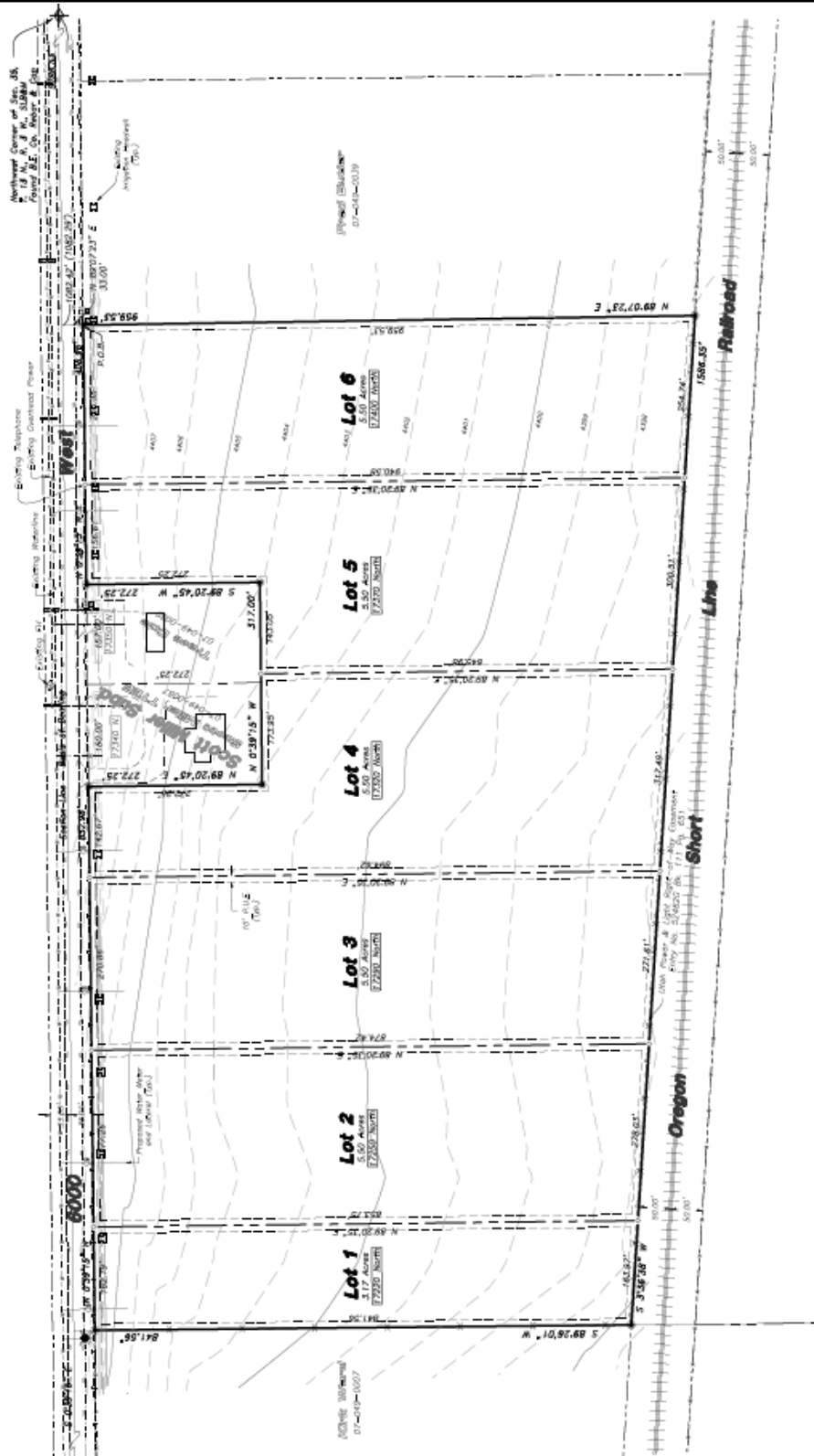
**Table** – “I move the Planning Commission table the review of application number SS19-038, a final plat for the Miller Farm Subdivision, located at approximately 17220 North 6000 West in the Riverside area of unincorporated Box Elder County, to (give date), based on the following findings:”

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 SS19-038, a final plat for the Miller Farm Subdivision, located at approximately 17220 North 6000 West in the Riverside area of 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: November 21, 2019

Agenda Item #: 7b

---

**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Mark Allred

**PROJECT #:**  
AS19-005

**ORDINANCE:**  
State Code 12-27a-605(1)(5)

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Marcus Wager,  
County Planner

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate a single family dwelling located at approximately 3101 West 1000 North in the Tremonton area from agricultural ground. The subdivision would create a 2.34 acre residential parcel and around a 20 acre agricultural parcel.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605(1)(5) allows subdivisions to be exempt from plat requirements as long as they include agricultural land, a single family dwelling, and an ordinance is enacted at the County Commission level following Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(5) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.

#### **17-27a-605(5)(a)**

- A. The parcel contains an existing legal single family dwelling unit;**  
Yes.
- B. The subdivision results in two parcels, one of which is agricultural land;**  
Yes.



---

**C. The parcel of agricultural land:**

- a. Qualifies as land in agricultural use under Section 59-2-502; and
- b. Is not used, and will not be used, for a nonagricultural purpose;

Yes.

**D. Both the parcel with an existing legal single family dwelling unit and the parcel of agricultural land meet the minimum area, width, frontage, and setback requirements of the applicable zoning designation in the applicable land use ordinance; and**

Yes.

**E. The owner of record completes, signs, and records with the county recorder a notice:**

- a. Describing the parcel of agricultural land by legal description; and
- b. Stating that the parcel of agricultural land is created as land in agricultural use, as defined in Section 59-2-502, and will remain as land in agricultural use until a future zone change permits another use.

*This is done with the Certificate of Approval from the Planning Commission.*

**FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval of an ordinance by the County Commission with approval from the Planning Commission as well.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(5) of the Utah State Code.

**RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-005 the Allred Agricultural Subdivision.**

**MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-005, an agricultural subdivision with a single family dwelling, 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 AS19-005, an agricultural subdivision with a single family dwelling, to (give date), based on the following findings:"

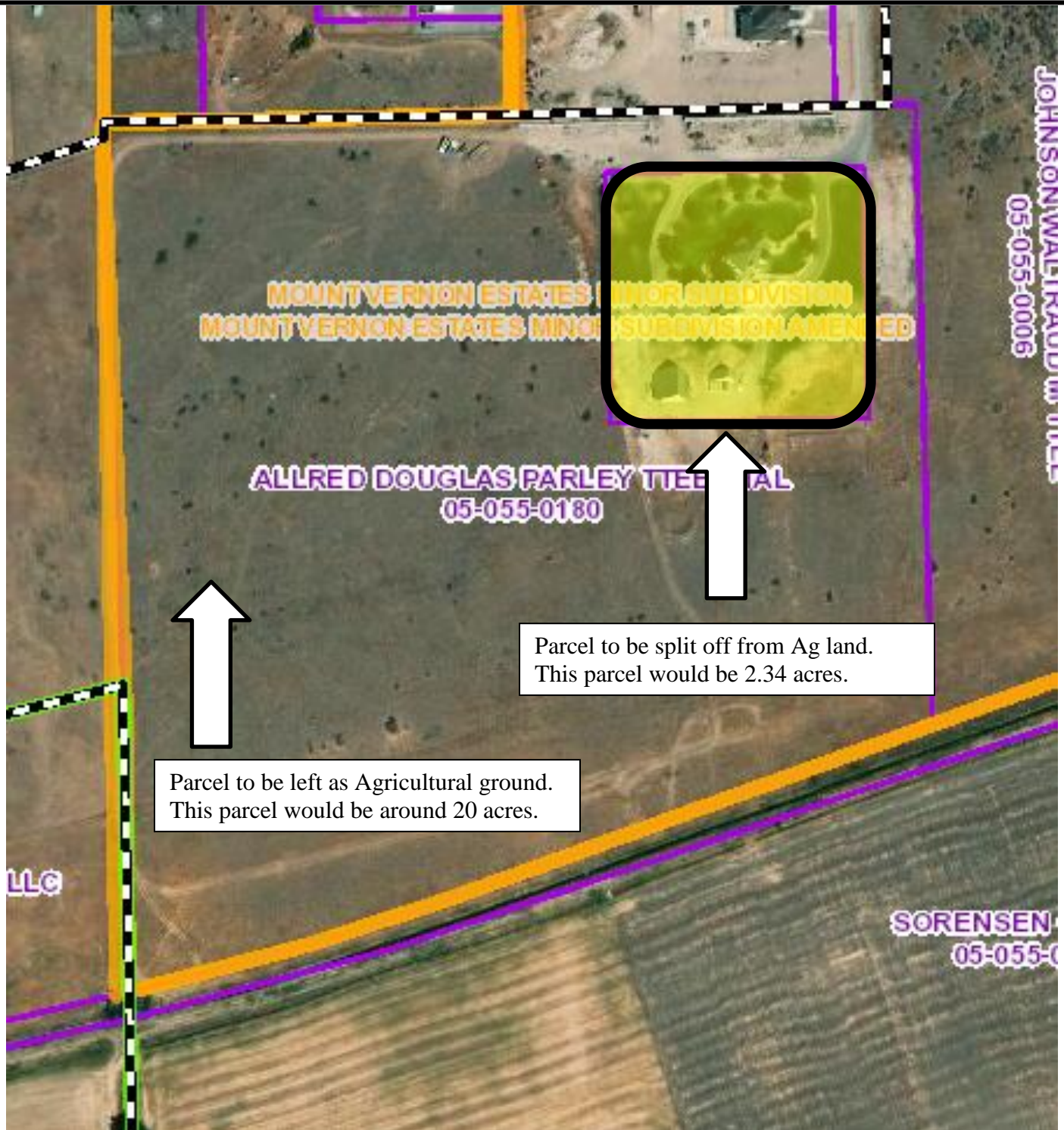
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

**Denial** – "I move the Planning Commission deny application number AS19-005, an agricultural subdivision with a single family dwelling, 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: November 21, 2019  
Agenda Item #: 7c

---

**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Marc Allred

**PROJECT #:**  
AS19-006

**ORDINANCE:**  
State Code 12-27a-605

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Marcus Wager,  
County Planner

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate 9.9 acres off of a larger parcel located in an un-zoned area of Unincorporated Box Elder County. This process would create a legal agricultural parcel.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

**A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**

Yes.

**B. Has been approved by the culinary water authority and the sanitary sewer authority;**

Yes.

**C. Is located in a zoned area; and**

Yes.

**D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**

Yes.

**(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

**A. describing the parcel by legal description; and**

**B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

*This document has been prepared and will be recorded following approval of this application.*

### **FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:





- 
1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
  2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

### **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-006 the Allred Agricultural Subdivision.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-006, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

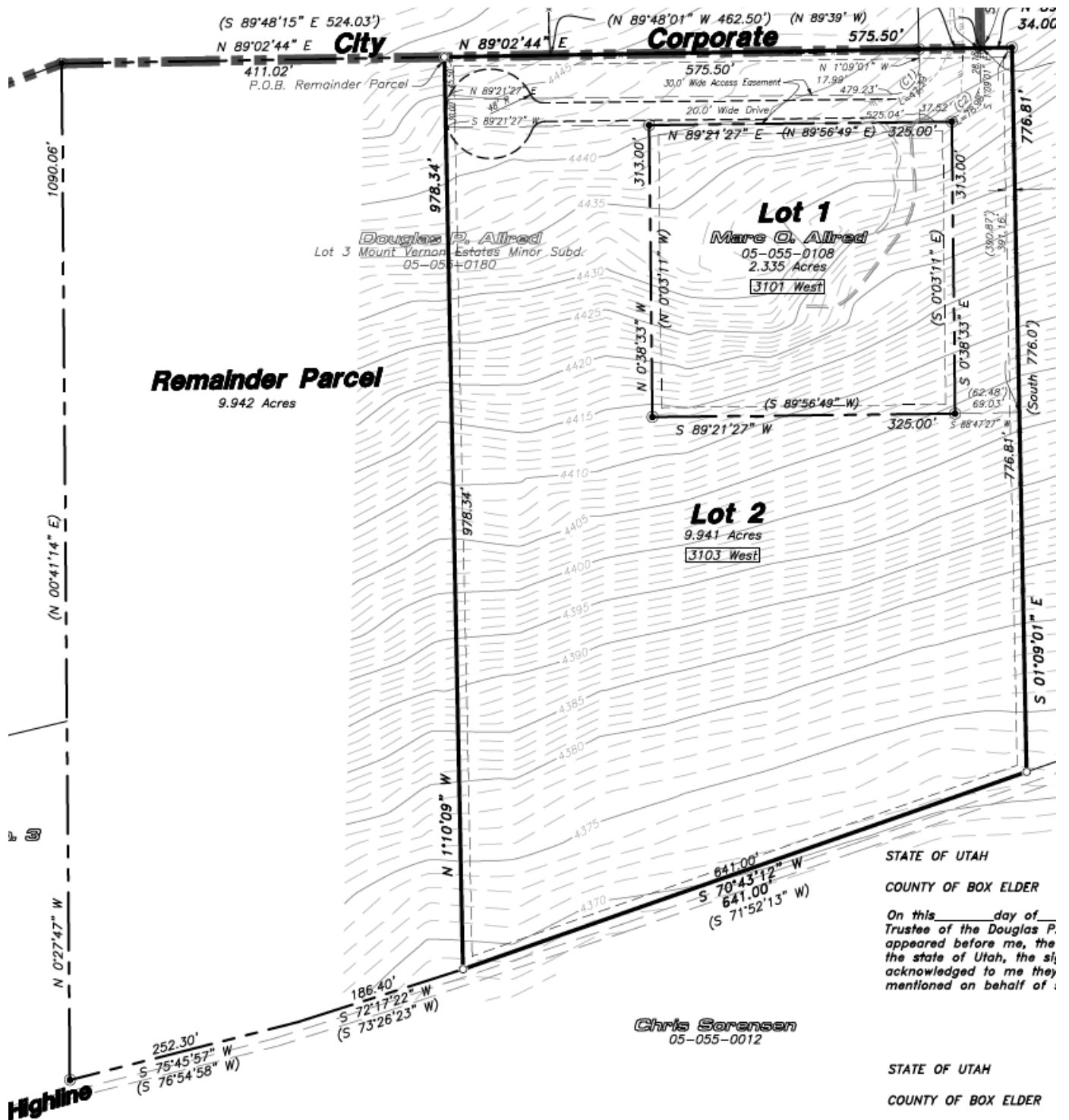
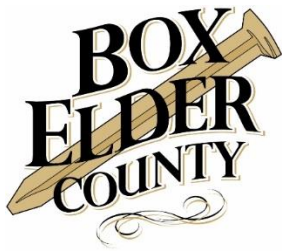
**Table** – "I move the Planning Commission table application number AS19-006, an agricultural subdivision, to (give date), based on the following findings:"

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 AS19-006, an agricultural subdivision, 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: November 21, 2019

Agenda Item #: 7d

---

**Application Type:**  
Agricultural Subdivision

**APPLICANT(S):**  
Ken & Diana Davis

**PROJECT #:**  
AS19-007

**ORDINANCE:**  
State Code 12-27a-605

**TYPE OF APPLICATION:**  
Administrative

**REPORT BY:**  
Scott Lyons,  
Comm. Dev. Director

### **BACKGROUND**

The applicant is requesting an agricultural subdivision to separate 25.01 acres off of a larger parcel located in an un-zoned area of Unincorporated Box Elder County west of the Walmart distribution center. This process would create a legal agricultural parcel.

### **ANALYSIS**

#### **State Code:**

Utah State Code Section 12-27a-605 allows subdivisions to be exempt from plat requirements as long as they include agricultural land and Planning Commission approval.

#### **Land Use Ordinance Standards Review:**

Utah State Code 17-27a-605(1)(b) and (2)(a)(ii) outlines the following standards for review for agricultural subdivisions.

#### **17-27a-605(1)(b) the proposed subdivision:**

- A. Is not traversed by the mapped lines of a proposed street as shown in the general plan and does not require the dedication of any land for street or other public purposes;**  
Yes.
- B. Has been approved by the culinary water authority and the sanitary sewer authority;**  
Yes.
- C. Is located in a zoned area; and**  
Yes.
- D. Conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.**  
Yes.

#### **(2)(a)(ii) the new owner of record completes, signs, and records with the county recorder a notice:**

- A. describing the parcel by legal description; and**
- B. stating that the lot or parcel is created for agricultural purposes as defined in Section 59-2-502 and will remain so until a future zoning change permits other uses.**

*This document has been prepared and will be recorded following approval of this application.*



---

### **FINDINGS:**

Based on the analysis of the agricultural subdivision application, staff concludes the following:

1. The Utah State Code allows for agricultural subdivisions subject to review procedures and approval from the Planning Commission.
2. It is staff's opinion that the proposed agricultural subdivision meets all of the Approval Standards found in Section 17-27a-605(1)(b) and (2)(a)(ii) of the Utah State Code.

### **RECOMMENDATION**

Based on the information presented in this report and application materials submitted, **staff recommends the Planning Commission APPROVE application AS19-007.**

### **MODEL MOTIONS**

**Approval** – "I move the Planning Commission approve application number AS19-007, an agricultural subdivision, and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

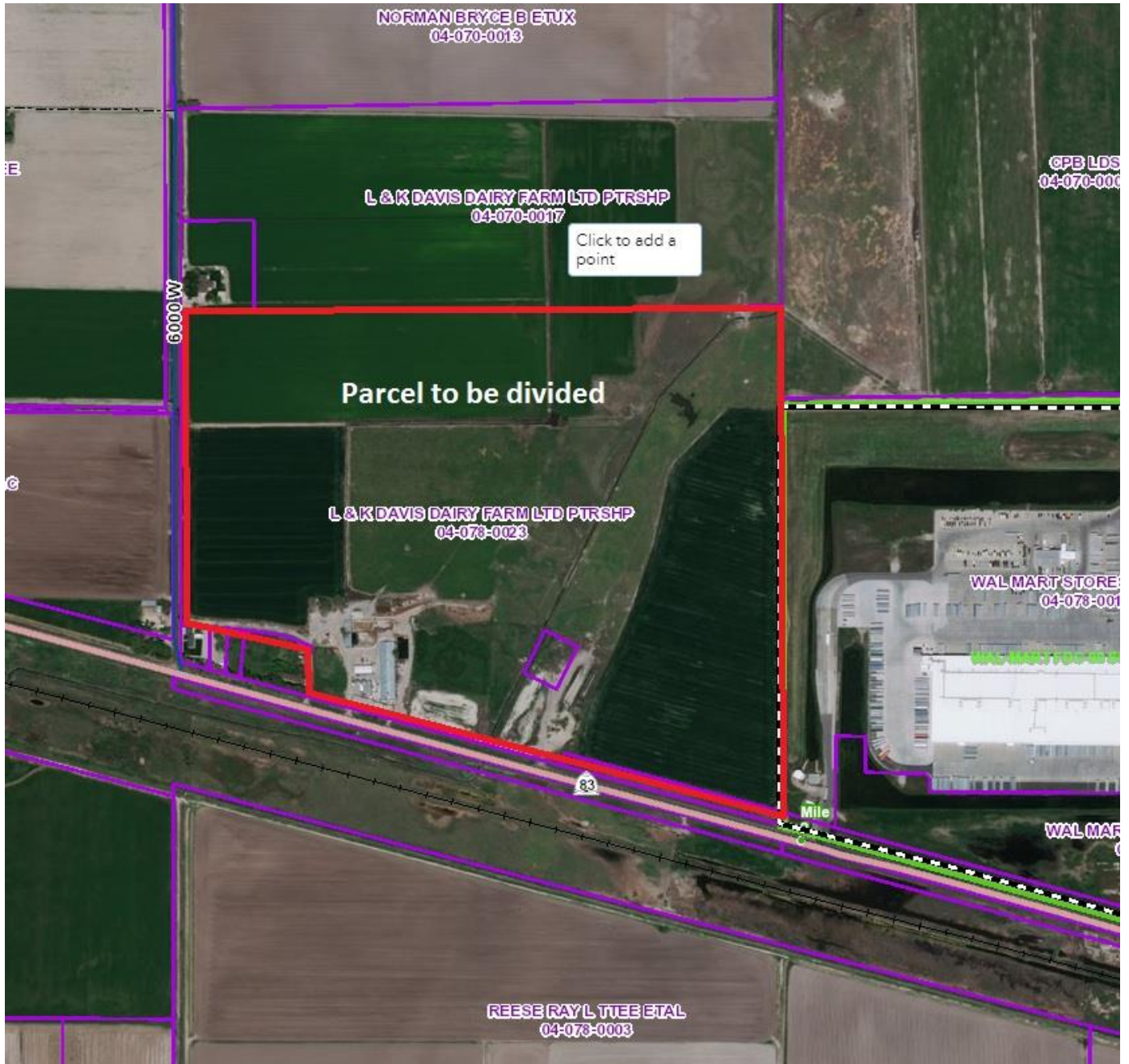
**Table** – "I move the Planning Commission table application number AS19-007, an agricultural subdivision, to (give date), based on the following findings:"

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 AS19-007, an agricultural subdivision, based on the following findings:"

1. List findings for denial...

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





---

# PLANNING COMMISSION

## STAFF REPORT

---

Meeting Date: November 21, 2019

Agenda Item #: 7e

---

**Application Type:**

Extension of Site Plan approval for Rocket Solar, LLC

**APPLICANT(S):**

Christine Mikell

**PROJECT #:**

SP18-005

**ZONE:**

Un-Zoned

**PARCEL #:**

05-004-0052, 0055, 0083, 0084

**TYPE OF ACTION:**

Administrative

**REPORT BY:**

Marcus Wager,  
County Planner

**BACKGROUND**

The applicant is requesting an extension of approval for a Site Plan that was approved on January 17, 2019 for an 80 megawatt solar farm on 558 acres located at approximately Golden Spike Dr. and HWY 83 on Parcels: 05-004-0052, 0055, 0083, and 0084.

*Surrounding Land Use and Zoning:*

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	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 2-2-040-I allows for extensions of time, it states:

*“Unless otherwise prohibited by this Code, upon written request and for good cause shown, any decision-making body or official having authority to grant approval of an application may, without any notice or hearing, grant an extension of any time limit imposed by this Code on such application, its approval, or the applicant. The total period of time granted by any one (1) or more extensions for a given application shall not exceed twice the length of the original time period.”*

The applicant is requesting that the construction commencement extension deadline be extended for one (1) year and the substantial completion deadline be extended for two (2) years. Essentially, the new dates we would be working with are January 22, 2021 for construction commencement and January 22, 2023 for substantial completion.

Under our code, they could then at that time come in for one more extension of 1 year construction commencement and 2 years for substantial completion.



---

## **FINDINGS:**

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

1. Section 2-2-040-I allows for an extension of time for an approval.
2. 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.
3. The Site Plan conforms to all requirements within the Box Elder Land Use Management and Development Code with the conditions outlined in the recommendations section of the staff report.

## **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. Rocket Solar provide appropriate warning signage placed at the entrance and perimeter of the solar power plan project.
2. Compliance with Section 2-2-090 of the Box Elder County Land Use Management & Development Code.
3. Compliance with Article 5, Regulations of General Applicability, 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 SP18-005, 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 SP18-005, 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 SP18-005, 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.

