

BOX ELDER COUNTY PLANNING COMMISSION AGENDA

February 15, 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 January 18, 2024 Planning Commission Minutes.

5. UNFINISHED BUSINESS

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

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

6. PUBLIC HEARINGS

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

7. NEW BUSINESS

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

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

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

8. WORKING REPORTS

- a. None

9. PUBLIC COMMENT

10. ADJOURN

BOX ELDER COUNTY PLANNING COMMISSION MINUTES JANUARY 18, 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	Member
Steven Zollinger	Member
Bonnie Robinson	Member
Jed Pugsley	Member
Jennifer Jacobsen	Member
Vance Smith	Alternate/Member

the following Staff was present:

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

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

The Invocation was offered by **Commissioner Jed Pugsley**.

Pledge was led by **Commissioner Vance Smith**.

The following citizens were present & signed the attendance sheet

See Attachment No. 1 – Attendance Sheet.

The Minutes of the December 21, 2023 meeting were made available to the Planning Commissioners prior to this meeting and upon review a **Motion** was made by **Commissioner Jed Pugsley** to approve the minutes as written. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

UNFINISHED BUSINESS -NONE

PUBLIC HEARINGS

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

Staff stated the applicant is requesting parcel 01-045-0134 (20.925 total acres) be rezoned from A-20 (Agricultural-20 acres) to two separate zones. The western 8 acres are requested to be

rezoned to the C-G (General Commercial District) zone and the remaining eastern 12.925 acres to the RR-10 (Rural Residential-10 acres) zone. The parcel is in the South Willard area of unincorporated Box Elder County and the applicant has been through the annexation petition process with Willard City. The surrounding land uses are Agricultural and Residential.

Staff explained zoning map amendments are a legislative proceeding so decisions regarding a legislative application shall be based on the “reasonably debatable” standard, as follows:

The decision-making authority shall determine what action, in its judgment, will reasonably promote the public interest, conserve the values of other properties, avoid incompatible development, encourage appropriate use and development, and promote the general welfare.

In making such determination, the decision-making authority may consider the following: (1) Testimony presented at a public hearing or meeting; and (2) personal knowledge of various conditions and activities bearing on the issue at hand, including, but not limited to, the location of businesses, schools, roads and traffic conditions; growth in population and housing; the capacity of utilities; the zoning of surrounding property; and the effect that a particular proposal may have on such conditions and activities, the values of other properties, and upon the general orderly development of the county.

The decision-making body should state on the record the basis for its decision.

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

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

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

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

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection. Access to the proposed property is via 1500 West (a gravel road). It is unknown what the adequacy of the road and facilities would be in this area for the proposed zone changes and any future use(s).

The public hearing was then opened for comments.

Donna Kunz, South Willard, stated she runs cattle and horses and has since 1999. She has a well located under the freeway that provides water for her livestock and her home. If they want to build houses, there is no available water for any residences unless a well is drilled. Ms. Kunz said the area is zone agricultural, people there understand livestock and the lifestyle. She has other land she leases next to residential zoning and her fences are always being cut. She is not opposed to the commercial zoning but is against residential homes being built.

Zach Ainsworth, applicant, explained he has no plans for residential housing and understands Ms. Kunz's concerns with agriculture and livestock. He currently rents property in Ogden for his business but wants to move his business here and have access to the interstate. He wants to zone the western 8 acres as commercial to have a metal building to store trucks, trailers, and equipment in and have a place to get in and out of in the winter to make repairs and service.

Hearing no further comments, a motion was made by **Commissioner Bonnie Robinson** to close the public hearing on the Zoning Map Amendment, Z23-017. The motion was seconded by **Commissioner Lonnie Jensen** and passed unanimously.

ACTION

Staff clarified the remaining 12 acres would not be compliant under the current A-20 zone (Agricultural-20 acres). The RR-10 (Rural Residential-10 acres) zone would keep the parcel compliant.

Commissioner Mellonee Wilding explained if the applicant chose to build homes on the 12-acre parcel, the RR-10 zone limits them to one (1) home.

Staff stated the C-G (General Commercial District) zone allows for a number of potential uses ranging from department stores, furniture stores, gas stations, car dealers, auto repair shops and shopping centers, to movie theaters.

Commissioner Mellonee Wilding reminded the commission their concern is not with the intended use by the applicant but is with the potential uses stated by staff and the standards for reviewing zoning map amendments. She thinks the road for any heavy commercial business is inadequate.

Road Supervisor Darin Mcfarland said the road is heavily used due to the auction barn located there. A portion of the road is gravel so additional commercial traffic would not be handled well. Gravel roads are not salted in winter. It is his opinion the road would need to be upgraded.

Applicant Zach Ainsworth offered to help with upkeep of the road and asked if there is a conditional use he could apply for to protect the county.

County Attorney Stephen Hadfield said zoning by agreement has been done in the past. He explained a zoning agreement requires a property be used for certain uses and can be structured several different ways. The agreement can be permanent and run with the land or structured that if

the land gets sold, the zone reverts back to the prior zoning. It is basically an agreement between the county and the landowner with only certain purposes being allowed.

MOTION: A Motion was made by **Commissioner Jed Pugsley** to table Zoning Map Amendment, Z23-017 for up to 6 months and direct staff to explore the opportunities of zoning by agreement. The motion was seconded by **Commissioner Jared Holmgren** and passed unanimously.

NEW BUSINESS

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 explained the proposed development will split the property into 4 lots. Each lot has frontage along Willard Peak Road and lot 4 would have frontage along a private access road as it drifts off Willard Peak Road due to elevation. The zoning on each of these lots is 5-acres. The surrounding land uses are Agricultural and Residential. Water is to be provided by the town of Mantua and a feasibility letter was received from the Bear River Health Department. The County Surveyor and GIS departments have requested some changes to the addressing, ownership, dates and notes, the owner's dedication, and the road standards to access lots 2, 3, and 4. The County Engineer, the Road Superintendent and the Fire Marshal have not submitted reviews as of yet.

Staff was provided a contour map which will be sent to the County Engineer for review. Staff has not received the geotechnical and soils report and has the following questions regarding this request.

- Will natural gas or propane be supplied to the property?
- Will future access to the land southeast of this property be preserved for future development?
- Do these sections of code apply? (a) Where local, county and regional master plans indicate that construction or extension of sanitary sewers may serve the development area within a reasonable time, the Planning Commission may require the installation and capping of sanitary sewer mains and house connections by the developer. (b) Where a current public sewer system exists, a connection is required for the development if it falls within 300' distance of said sewer system.

Commissioner Mellonee Wilding thinks this application is incomplete, there is a lot missing.

Road Supervisor Darin McFarland said the road does not qualify under the current standards. With the way the sharp bend is and the grade break, the area has low visibility, and with heavy traffic flow, this is something to be considered. There should be no more than 2 lots on a private road and the applicant is proposing 3 lots. The only way this could be approved is if there were a 60 ft. right-of-way. Supervisor McFarland suggested a redesign of the road to bring the road into compliance with county road standards.

MOTION: A Motion was made by **Commissioner Bonnie Robinson** to table application number SS23-025, a preliminary plat for the Silver Eagle Subdivision for up to 6 months to allow time for completion of the application and allowing time for redesigning of the road. The motion was seconded by **Commissioner Jennifer Jacobsen** and passed unanimously.

SUMMER LAND RANCHES PH. 2, SS23-023, Request for preliminary approval of a 12-Lot subdivision located at approximately 10300 West 13600 N in the Tremonton area of Unincorporated Box Elder County. ACTION

Staff said the applicant is requesting preliminary approval for Phase 2 of Summer Land Ranches. The 12 lots average 5.95 acres in size. The surrounding land use is Agriculture and Rural Residential. Access will be off 13600 North for all lots. All will-serve letters have been received from the utility companies and a feasibility letter was received from the Bear River Health Department. A geotechnical report has also been submitted. The preliminary subdivision plat will comply with county regulations and staff recommends approval.

MOTION: A Motion was made by **Commissioner Jared Holmgren** to approve application SS23-023, a preliminary plat for the Summer Land Ranches Subdivision, Phase 2 located in unincorporated Box Elder County, and adopting the exhibits, conditions and findings of staff. The motion was seconded by **Commissioner Vance Smith** and unanimously carried.

CONDITIONS:

1. Compliance with all County Staff reviews and comments.
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.

WORKING REPORTS - NONE

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 8:19 p.m.

Mellonee Wilding, Chairman
Box Elder County Planning Commission



PLANNING COMMISSION
STAFF REPORT

Meeting Date: February 15, 2024

Agenda Item #: 5a

Application Type:

Conditional Use Permit

APPLICANT(S):

Travis Poulson

PROJECT #:

CUP23-001

ZONE:

Un-Zoned

PARCEL #:

07-036-0029

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

The applicant is requesting a Conditional Use Permit for an RV park and residential dwellings (future phase) on property located at 20755 North 6000 West in the Plymouth area. The site would consist of 21 RV spots and 13 future single family dwellings with a proposed laundry and shower facility in the middle. See attached site plan below.

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

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

7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

No updated plans have been submitted. I reached out to the applicant and he stated the following: We need to keep this tabled through the first quarter. Am I to assume we will then have to resubmit entirely for review, approval, with updated and requested plans?

ANALYSIS

County Code:

Land Use Management & Development Code Chapter 3-6 allows RV parks as a conditional use in an un-zoned area. Conditional Use Permits are decided upon by the Planning Commission according to Section 2-2-100.

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-100 outlines the following standards for review for Conditional Use Permits:

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.

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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.
Should not have an impact.
 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.
Should not have an impact.
 3. Negative impacts on connectivity and safety for pedestrians and bicyclists.
Should not have an impact.
 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.
Should not have an impact.
 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.
Should not have an impact.
 6. Modifications to signs and exterior lighting to assure proper integration of the use.
Should not have an impact.
 7. Incompatible designs in terms of use, scale, intensity, height, mass, setbacks, construction, solar access, landscaping, fencing, screening, and architectural design and exterior

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- detailing/finishes and colors within the neighborhood in which the conditional use will be located.
Should not have an impact.
8. Reduction in the tax base and property values.
Should not have an impact.
 9. Reduction in the current level of economy in governmental expenditures.
Should not have an impact.
 10. Insufficient emergency fire service and emergency vehicle access as determined by the County Fire Marshall.
Should not have an impact. However, I am still waiting to hear from the County Fire Marshall.
 11. Reduction in usable open space
Should not have an impact.
 12. Inadequate maintenance of the property and structures in perpetuity including performance measures, compliance reviews, and monitoring.
Should not have an impact.

Box Elder County Land Use Management & Development Code section 3-6-040 outlines the following development standards for Recreational Vehicle Parks:

- A. The Planning Commission shall review the proposed development plan to determine its compliance with all portions of the County General Plan and, among other things, shall attempt to make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area. Standards higher than the minimum standards contained in this Code may be required if necessary for local conditions of health, safety, and protection of property, and to ensure that the development will mix harmoniously with contiguous and nearby existing and planned uses.
- B. The Planning Commission shall not approve any application for mobile home park, recreational vehicle park, or mobile home subdivision conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements, or if the developer cannot ensure that the development will be completed within twelve (12) months, or if the Planning Commission or County Commission determines there would be unusual danger of flood, fire or other hazard, or if the proposed development would be of such character or in such a location that it would:
 1. Create excessive costs for public services and facilities.
 2. Endanger the health or safety of the public.
 3. Unreasonably hurt or destroy the environment.
 4. Cause excessive air or water pollution, or soil erosion, or
 5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.

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- C. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:
1. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
 2. A strip of land at least fifteen (15) feet wide surrounding the entire park shall be left unoccupied by mobile homes, recreational vehicles, storage buildings, service buildings, garages or any add-ons, and shall be planted and maintained in lawn, shrubs, trees, with an approved durable permanent wall or fence designed to afford privacy to the development.
 3. All storage and solid waste receptacles outside the confines of any mobile home or recreational vehicle shall be housed in a closed structure compatible in design and construction to the mobile homes, and to any service buildings within the development; all patios, carports, garages, and other add-ons shall be compatible in design and construction with the mobile home. The service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the Zoning Administrator. In mobile home developments where units will be situated with long axis perpendicular to the street, streets will run in a North-South direction to the greatest extent possible. This is to promote solar orientation of the units.
 4. In addition to meeting the above requirements and conditions, and conforming to the other laws of the County, all mobile home parks, recreational vehicle parks, and mobile home subdivisions shall also conform to all applicable state regulations. In the event of any conflict between said regulations and this Chapter, this Chapter shall take precedence where such regulations are more strict, and the provisions of the state regulations shall take precedence where such regulations are more strict.
- D. Every mobile home park, recreational vehicle park, and mobile home subdivision shall provide underground utility service to every mobile home stand or lot as required by the Planning Commission, including but not limited to water, sewer, power, natural gas, telephone, and TV.

Box Elder County Land Use Management & Development Code Section 3-6-090 outlines additional requirements for Recreational Vehicle Parks:

- A. Recreational vehicle parks shall generally be located:
 1. Adjacent to or in close proximity to a major traffic artery or highway.
 2. Near adequate shopping facilities.
 3. Within or adjacent to a mobile home park.
- B. Not less than ten percent (10%) of the gross land area shall be set aside for the joint use or enjoyment of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking **shall not** be construed as part of the ten percent (10%) common area required for parks and playgrounds for occupants; provided, however, that in initial stages of development or in special smaller developments the minimum area shall not be less than two (2) acre or ten percent (10%), whichever is greater.

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- C. Yard lighting with a minimum of 0.2 foot candles of light shall be required for protective yard lighting the full length of all driveways and walkways.
 - D. All areas not covered by recreational vehicles, hard surfacing, or buildings shall be landscaped and permanently maintained pursuant to a plan approved by the Planning Commission.
 - E. All off-street parking spaces and driveways shall be hard surfaced before the adjacent recreational vehicle spaces may be occupied.
 - F. The roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:
 - 1. ONE-WAY TRAFFIC. A minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering recreational vehicles.
 - 2. TWO-WAY TRAFFIC. A minimum of thirty (30) feet in width.
 - 3. ENTRANCE ROADWAYS: Minimum of thirty-six (36) feet in width.
 - 4. ROADWAYS: All roadways shall be hard surfaced and bordered by twenty four (24) inch rolled gutters or an approved equivalent.
 - 5. SIDEWALKS: Thirty-six (36) inch minimum width sidewalks shall be installed on all main roadways within the development, if required by the Planning Commission.
 - 6. ACCESS: Each recreational vehicle park shall have at least two (2) accesses to public streets, unless more than one (1) is prohibited by a responsible public agency.
 - G. No individual space in a recreational vehicle park shall be used by one individual recreational vehicle for more than ninety (90) days consecutively, nor shall such space be rented or leased to any one individual for a period longer than ninety (90) days in any one calendar year.
 - H. Recreational vehicles may be stored where permitted, but not used for permanent living quarters.
 - I. Recreational vehicles may be stored, displayed, sold and serviced, but not used for living quarters, in a sales lot in an appropriate zoning district when such use is a permitted or a conditional use.
 - J. Ten (10) recreational vehicles may be accommodated in an approved and licensed mobile home park, provided that:
 - 1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
 - 2. The recreational vehicle use area shall have direct access to a collector or arterial street.
 - 3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning Commission.
 - K. Recreational vehicle parks may be approved by the County Commission in locations permitting such use in this Code. Before such approval is given, a report to the County Commission by the Planning Commission shall find that the proposed development will:
 - 1. Be placed on a parcel of land of not less than five (5) acres, or within a mobile home park, unless modified by a planned unit development plan.
 - 2. Before first occupancy, have at least twenty-five (25) spaces completed (10 if in a mobile home park), or an approved schedule of financing, construction and phase completion, and approved security, to assure compliance.

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 allows for Recreational Vehicle Parks in un-zoned areas subject to Conditional Use Permit approval by the Planning Commission.
2. The Planning Commission will need to determine if the proposed Recreational Vehicle Park can and will meet the requirements of Box Elder Land Use Management and Development Code Sections 2-2-100, 3-6-040 and 3-6-090.
3. At the time of this report (3/10/2023), the County is currently waiting on updated drawings and responses to the first round of comments.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **staff gives the Planning Commission the following three options in the model motions section below:**

MODEL MOTIONS

Approval – “I move the Planning Commission approve application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, and adopting the exhibits, conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

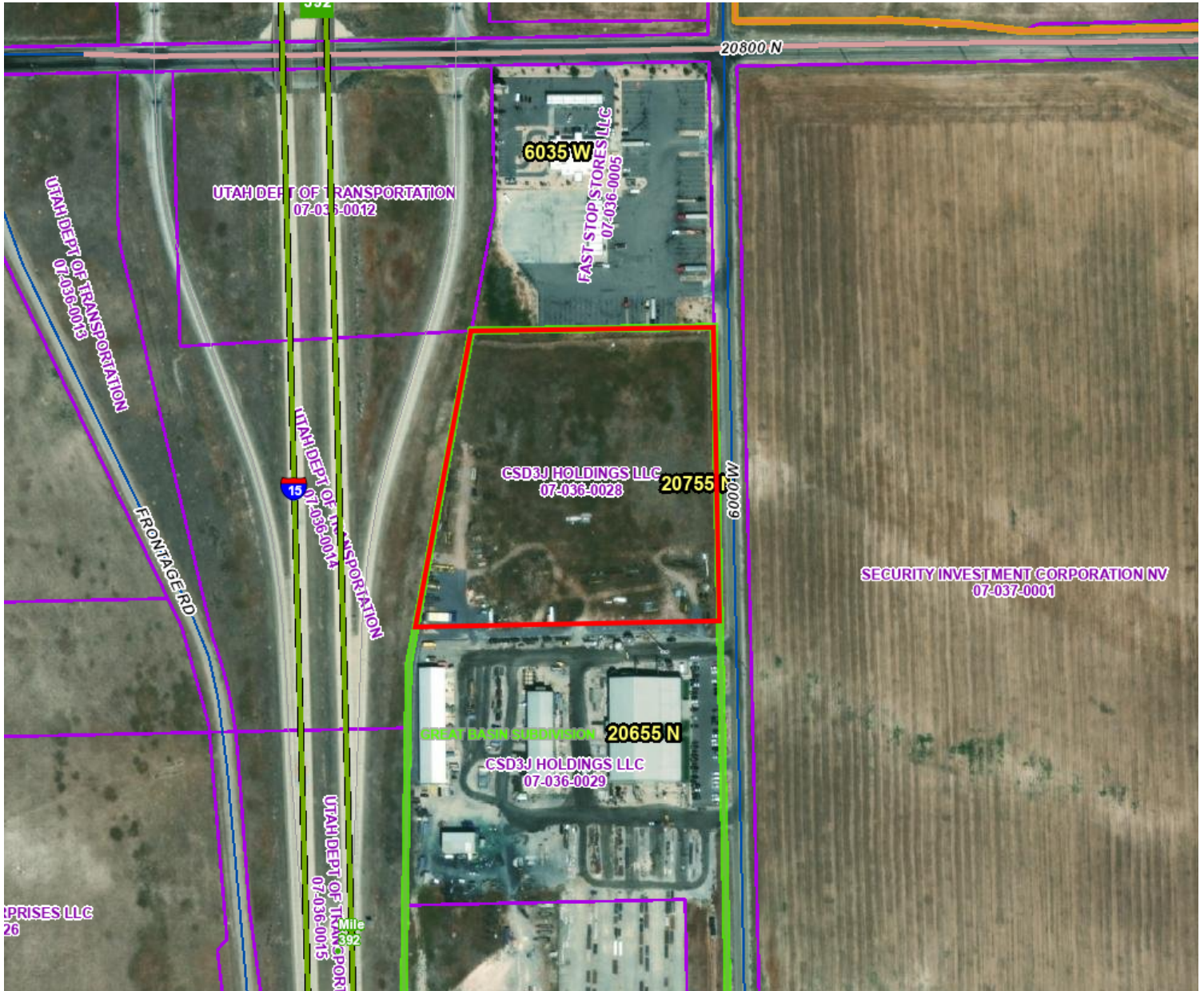
Table – “I move the Planning Commission table the review of application number CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, to (give date), based on the following findings:”

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 CUP23-001, a Conditional Use Permit for a Recreational Vehicle Park, 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

Meeting Date: Feb. 15, 2024

STAFF REPORT

Agenda Item #: 5b

Application Type:

Zoning Map Amendment

APPLICANT(S):

Zachary Ainsworth

PROJECT #:

Z23-017

ADDRESS:

Appx.: 8205 S 1500 W

PARCEL #:

01-045-0134

CURRENT ZONE:

A-20

TYPE OF ACTION:

Legislative

REPORT BY:

Destin Christiansen,
County Planner

BACKGROUND

The applicant is requesting that parcel 01-045-0134 (20.925 total acres) be rezoned from A-20 (Agricultural - 20 acres) to two separate zones. The western 8 acres are requested to be rezoned to the C-G (General Commercial District) zone and the remaining eastern 12.925 acres to the RR-10 (Rural Residential - 10 acres) zone. The parcel is in the South Willard area of unincorporated Box Elder County and the applicant has been through the annexation petition process with Willard City.

UPDATE: This came before the Planning Commission on Jan. 18, 2024 for review. There was not any public objection, just concerns of residential growth that were shared by one individual. The applicant inquired about the possibility of some type of special permit. Where the General Plan highlights agriculture for this area of South Willard, it was briefly discussed that the only way to do this is via a zoning agreement that would change the zoning to C-G, but limit the allowed uses to just what he is proposing (general contract construction services). The Planning Commission tabled the matter to look into zoning agreement possibilities.

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	A-20
South	Agricultural	A-20
East	I-15/Residential	R-1-20
West	Agricultural	A-20

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

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

The area consists mainly of agricultural uses with some residential homes to the north to include a couple of home businesses as well as a livestock auction facility. The Planning Commission needs to decide if a C-G (or Restricted C-G) zone and RR-10 zone could be considered harmonious.

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

Only one individual from the previous public hearing addressed the Planning Commission expressing concerns about residential growth, not necessarily the proposed use of the applicant.

D. The adequacy of facilities and services intended to serve the subject property, including, but not

limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

Access to the proposed property is via 1500 West (a gravel road). It is unknown what the adequacy of the road and facilities would be in this area for the proposed zone changes and any future use(s). The Roads Department Superintendent, Darin McFarland, is to meet with the applicant to discuss infrastructure and facilities of 1500 West. The meeting had not occurred at the time of this report.

FINDINGS:

Based on the analysis of the zoning map amendment application request for the rezone of the subject parcel from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone, a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for the rezone of properties subject to zoning map amendment review procedures and approval.
2. The General Plan for the South Willard area calls for agriculture to remain on the west side of the freeway.
3. Commercial growth for the South Willard area is directed to be closer to the I-15/Highway 89 interchange.
4. Zoning agreements should be used when their flexibility is the only legal way to say yes to a very desirable development opportunity and should enhance, not undermine, the existing zoning and General Plan.
5. A zoning agreement (contract zoning) won't provide any benefit to the County in this application where the same benefits could be had in existing commercial zones.
6. 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.
7. This application is for a rezone from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **Staff recommends that the Planning Commission forward a recommendation of DENIAL 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. Completion of a zoning agreement allowing a "Restricted C-G" zone use specific to the proposed use of the applicant (general contract construction services).
2. Applicant to provide an updated legal description of the 8 acres to be rezoned to a "Restricted C-G"

zone.

3. Applicant to work with the Roads Department to determine any necessary infrastructure improvements to be included as part of the zoning agreement.
4. Compliance with Section 2-2-080, Zoning Map and Text Amendments, of the Box Elder County Land Use Management & Development Code.
5. Compliance with Article 5 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 forward a recommendation of approval to the County Commission, application number Z23-017, a zoning map amendment from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

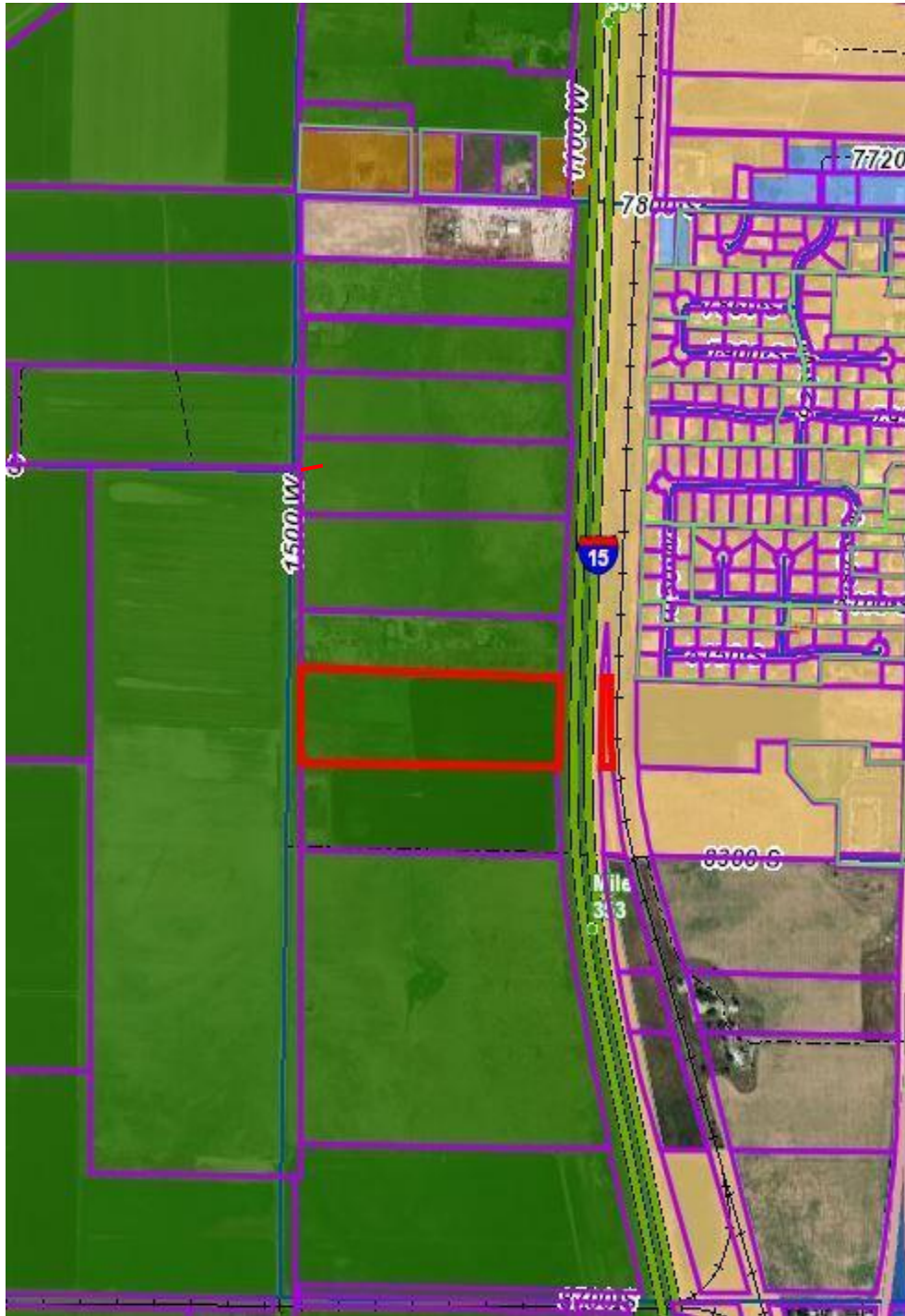
Table – “I move the Planning Commission table the review of application number Z23-017, a zoning map amendment from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone to (give date), based on the following findings:”

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 Z23-017, a zoning map amendment from A-20 (Agricultural - 20 acres) to the C-G (General Commercial District) zone and the RR-10 (Rural Residential - 10 acres) zone based 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: February 15, 2024
Agenda Item #: 6a**

Application Type:

Ordinance Text Amendment

APPLICANT(S):

Box Elder County

PROJECT #:

Z24-001

ORDINANCE:

Chapter 5-3

TYPE OF APPLICATION:

Legislative

REPORT BY:

Marcus Wager,
County Planner

BACKGROUND

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

ANALYSIS

County Code:

The Box Elder Land Use Management & Development Code 2-2-080.C allows authorized county staff to initiate amendments to 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;

The County General Plan doesn't specifically address signage, but does address land uses that may rely upon signage. For those land uses it states "Box Elder County understands that future development is most likely to occur in areas where adequate services are available. The County does not support extending services through or into areas that have not been identified for future development. With respect to responsible land use planning and efficient resource use, it is the County's preference that

growth and development take place within existing communities or in unincorporated areas within which adequate services are or may be made available.”

B. Whether the proposed amendment is harmonious with the overall character of existing development in the vicinity of the subject property;

This text amendment would apply to all areas of unincorporated Box Elder County.

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

The proposed amendment should not adversely affect adjacent property. The public hearing process may shed additional light on this subject.

D. The adequacy of facilities and services intended to serve the subject property, including, but not limited to, roadways, parks and recreation facilities, police and fire protection, schools, storm water drainage systems, water supplies, and waste water and refuse collection.

The proposed text amendment should not have an effect on the adequacy of facilities.

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



MODEL MOTIONS

Approval – “I move the Planning Commission forward a recommendation of approval to the County Commission, application number Z22-002, 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 Z22-002, 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 Z22-002, an ordinance text amendment 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.

Proposed Text Amendment:

Chapter 5-3 - Sign Regulations

5-3-020. Definitions.

Changeable Copy: A sign on which text or copy is changed manually (or electronically); **only for gas station price signs** but not including poster panels or painted bulletins.

5-3-050. General Regulations.

G. No electronic or digital signs are allowed in any sign zone within the unincorporated boundaries of Box Elder County, except gas station price signs.

5-3-150. Sign Types, Effects, Dimensions, Numbers, and Locations by Overlay District.

SIGN OVERLAY DISTRICT							
		"P" = Permitted Uses; "CI" = Administrative Conditional Uses; "A" = Applies " - " = Not permitted					
		S-1	S-2	S-3	S-4		
A	1	SIGN TYPE					
		ON-PREMISE SIGNS					
		a. Free Standing	P	P	CI	-	
		b. Marquee	P	P	-	-	
		c. Projecting Wall	P	P	-	-	
		d. Roof	P	P	-	-	
		e. Fascia	P	P	-	-	
		f. Canopy	P	P	-	-	
		"P" = Permitted Uses; "CI" = Administrative Conditional Uses; "A" = Applies " - " = Not permitted		S-1	S-2	S-3	S-4
		g. Under Canopy	P	P	-	-	
		h. Monument	P	P	-	-	
		i. Awning	P	P	-	-	
		j. Portable and Temporary	P	P	-	-	

	2	OFF-PREMISE SIGNS					
		a. Free Standing Billboard	-	-	C1	-	
B	1	SIGN EFFECTS					
		ON-PREMISE SIGNS (BILLBOARDS EXCLUDED)					
		a. Identification	P	P	P	-	
		b. Illuminated	P	P	P	-	
		c. Rotating	-	P	P ↓	-	
	d. Changeable Copy *(for on premise free standing signs only in the S-3 zone, billboard signs excluded)	P	P	P*	-		
	2	OFF-PREMISE SIGNS					
		a. Illuminated	-	-	C1	-	
			b. Changeable Copy	=	=	C1	-
	C	SIGN DIMENSIONS					
1. Sign Height (in feet)		10	30	40 ↓	-		
2. Maximum Sign Area on Premise (total in square feet)			250	672 ↓	-		
Non-home occupation (per sign face)		40	150	-	-		
Home occupation (total in square feet) * The following applies to S-1 only: Minimum = 2 square feet Maximum = 16 square feet 2 square feet for every ½ acre of land use zone (i.e. R-1-20 = 2 square feet, RR-2 = 8 square feet)		*16	16	-	-		
"P" = Permitted Uses; "C1" = Administrative Conditional Uses; " A " = Applies " - " = Not permitted		S-1	S-2	S-3			
3. Maximum Sign Area Off Premise Billboard sign Height (in feet) and Maximum Sign Area (in square feet) with minimum spacing of 2,000 feet. (Billboards)		-	-	40 ft. 672 sq. ft.	-		
4. Maximum On Premise Free Standing Sign Height (in feet) and Maximum Sign Area (in square feet)		↓	↓	30 ft. 250 sq.ft.	↓		
NUMBER OF SIGNS							
ON-PREMISE SIGNS							

D	1	a. Free Standing	1	1	1	-
		b. Marquee	1	1	-	-
		c. Projecting Wall	1	1	-	-
		d. Roof	1	1	-	-
		e. Fascia	1	2	-	-
		f. Canopy	1	1	-	-
	2	OFF-PREMISE SIGNS				
		a. Free Standing Billboard	-	-	1	-
		b. Roof	-	-	-	-
E	LOCATION OF SIGNS					
	1. Minimum Setback from Public Right-of-Way (in feet)	10	10	10	-	
	2. Minimum Distance Between Signs Off-Premise “billboards” minimum spacing in lineal feet	-	-	2000	-	

***NOTE** - Signs are not permitted on public property or within the public right-of-way or above the public right-of-way.*



**PLANNING COMMISSION
STAFF REPORT**

**Meeting Date: February 15, 2024
Agenda Item #: 7a**

Application Type:

Conditional Use Permit for an Accessory Dwelling Unit

APPLICANT(S):

Steven Nielsen

PROJECT #:

CUP24-001

ZONE:

Unzoned

PARCEL #:

06-046-0035

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 898 square foot accessory dwelling unit. Their existing home is approximately 2378 square feet. No other accessory dwelling unit (internal or external) exists on the property. The property is located at 15450 North 5250 West in the Riverside area.

Surrounding Land Use and Zoning:

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

Box Elder County Land Use Management & Development Code section 2-3-060-C states: Any expansion or enlargement of a noncomplying structure that increases the degree of nonconformance is prohibited except as provided in this subsection.

1. The initial determination of whether a proposed expansion increases the degree of nonconformity shall be made by the Zoning Administrator. *The Box Elder County Zoning Administrator has determined that the expansion does not increase the degree of nonconformity of the existing building.*
2. A structure which is nonconforming as to height, area, or yard requirements may be enlarged upon authorization by the Planning Commission, where the Commission, after notice and a hearing, finds the enlargement to be compatible with adjoining property and not detrimental to the community, as determined by the effect of the enlargement on traffic, value of adjacent and nearby properties, and the availability of adequate public facilities and services. *The Planning Commission will need to make this determination.*

Setbacks:

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

Access:

Access to the property is obtained off of 5250 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:"

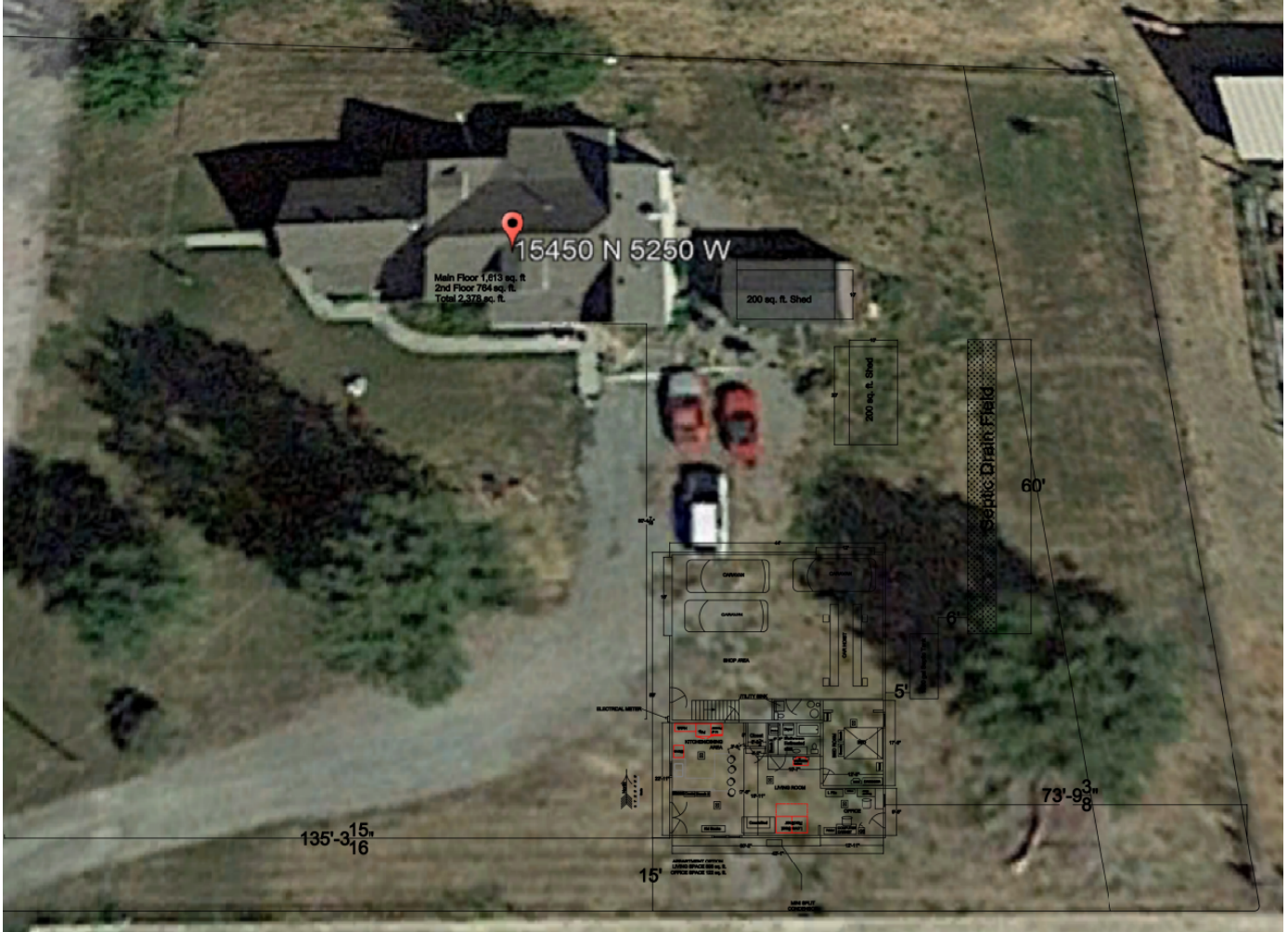
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

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.







PLANNING COMMISSION

STAFF REPORT

Meeting Date: February 15, 2024
Agenda Item #: 7b

Application Type:

Temporary Use Permit

APPLICANT(S):

Steve Morrey/Waterleaf Resources

PROJECT #:

TUP24-001

PROJECT LOCATION:

Rozel Flats Road
West Promontory

PARCEL #:

03-008-0049

CURRENT ZONE:

Unzoned

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons
Comm. Dev. Dir.

BACKGROUND

The applicant is requesting a Temporary Use Permit for a one (1) year period to construct, commission, operate, and fully decommission a pilot-scale facility to demonstrate the technical viability of direct lithium extraction technology.

The pilot facility would process brine pumped from the Great Salt Lake through proprietary equipment. Processed brine would be returned to the lake in accordance with a discharge permit issued by the State. Produced lithium would be transported offsite for test work and analysis to confirm the quality for use in battery production.

Following operation and achievement of key performance indicators, the pilot facility would be decommissioned and removed from the site. Mobilization is currently planned to commence on or about May 1, 2024. Erection and commissioning are expected to last approximately one month, followed by operation for approximately 3 months to process a minimum of 5 AF of brine (exact operation duration to be determined in consultation with FFSL). Decommissioning is expected to take an additional 1-2 months.

During mobilization, erection and commissioning of the pilot facility, activities would primarily be limited to daylight hours, on approximately 12-hour work shifts. During the latter stages of commissioning, as the facility is ramped up in preparation of start of operation, shifts would extend further, approaching 24 hours of staffing and operation across multiple shifts. During the 3 months of operation, the facility would be

staffed and operated 24 hours a day, in order to demonstrate the stable and continuous operation of the DLE technology and process the required minimum volume of brine. During decommissioning and demobilization, activities would again primarily be limited to daylight hours on approximately 12-hour work shifts.

Approximately six personnel would be on site during equipment mobilization; 10 during commissioning; 4 per 12-hour shift during operation (8 per day); and six during decommissioning/demobilization.



Plant staff would not reside on site; rather, they would reside in the nearby communities of Corrine, Tremonton and/or Brigham City, commuting to and from the site each day. Carpooling and/or company vans would be utilized where practical to reduce vehicle trips. On-site facilities for staff would be limited to a temporary/mobile office trailer and self-contained sanitary facilities. During initial equipment mobilization, an additional 1-2 trucks per day are expected to deliver equipment and material. During the commissioning and operation periods, an additional 1-2 tanker trucks per week are expected for delivery of various facility supplies (e.g. reagents).

Waterleaf holds a valid existing land lease with property owner Mango-Spiral Jetty LLC (Box Elder County parcel number 03-008-0049). Access from Rozel Flats Road is via an existing private two-track road, which would be improved (widened and graded, as necessary) by Waterleaf prior to mobilization. A temporary access gate and signage would be erected at the turnoff from Rozel Flats Road, in order to restrict public access to the facility. Power would be supplied via an on-site generator, and the facility would be fully fenced to prevent unauthorized access.

There are no existing structures on site; current use is cattle grazing.

ANALYSIS

County Code:

The Planning Commission is authorized to approve Temporary Use Permits as provided in the Land Use Management & Development Code section 2-2-160.

Surrounding Land Use and Zoning:

<u>Direction</u>	<u>Land Use</u>	<u>Zoning</u>
North	Agriculture	Unzoned
South	Agriculture	Unzoned
East	Agricultural	Unzoned
West	Agriculture/Lakebed	Unzoned

Land Use Ordinance Standards Review:

Box Elder County Land Use Management & Development Code section 2-2-160 outlines the following standards for review for Temporary Use Permits.

- a. Will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working within the vicinity, or injurious to property, improvements or the public in general;
- b. Will not substantially interrupt the safe and orderly movement of public transportation or other vehicular and pedestrian traffic in the area, nor block traffic lanes or hinder traffic during peak commuter hours on weekdays on any primary arterial street or principal commuter route designated by the County;



-
- c. Will not conflict with construction or development in the public right-of-way or at public facilities;
 - d. Will not unduly interfere with the movement of police, fire, ambulance, or other emergency vehicles on the streets, nor require the diversion of so great a number of police, fire, or other essential public employees from their normal duties as to prevent reasonable police, fire, or other public services protection to the remainder of the County;
 - e. Will not conflict with nor be incompatible with the permitted uses and regulations of the zone within which the temporary use is located; and
 - f. Is in compliance with regulations, conditions and licensing requirements of applicable provisions of the Box Elder County ordinances

STAFF REVIEW:

The Fire Marshal and Roads Superintendent have reviewed and approved the proposed project.

Planning Staff reviewed the project and feels it meets the standards set forth in the Land Use Code. Planning Staff is aware that the applicant is working with the State Department of Natural Resources and Forestry Fire and State Lands to complete the appropriate permits and easements at the state level. Staff is aware that those permits are incomplete at this time.

FINDINGS:

Based on the analysis of the proposed Temporary Use Permit and a survey of the surrounding area, staff concludes the following:

1. The Box Elder Land Use Management and Development Code allows for Temporary Use Permits subject to Planning Commission approval.
2. It can be interpreted that the proposed temporary use meets the Approval Standards found in Section 2-2-160 of the Box Elder County Land Use Management and Development Code.

RECOMMENDATION

Based on the information presented in this report, application materials submitted and the site review, **the Planning Commission may APPROVE the requested Temporary Use Permit.**

If the permit is approved, 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 2-2-160, Temporary Use Permit, of the Box Elder County Land Use Management & Development Code.
3. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all required licenses, permits, easements, etc.



MODEL MOTIONS

Approval – “I move the Planning Commission approve application number TUP24-001, a Temporary Use Permit for a temporary pilot-scale lithium extraction facility and adopting the conditions and findings of the staff report, and as modified by the conditions below:

1. List any additional conditions....

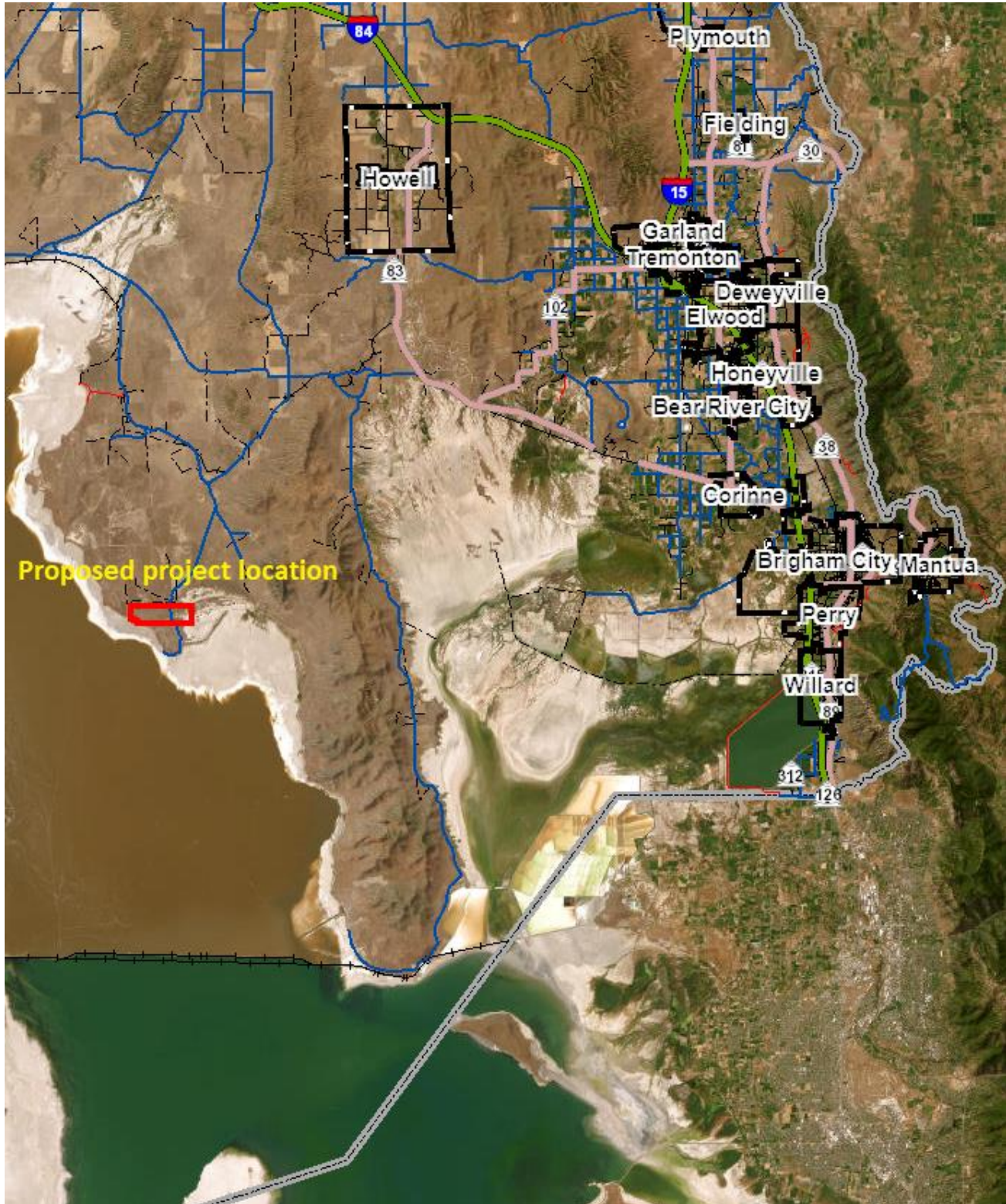
Table – “I move the Planning Commission table application number TUP24-001, a Temporary Use Permit for a temporary pilot-scale lithium extraction facility to (give date), based on the following findings:”

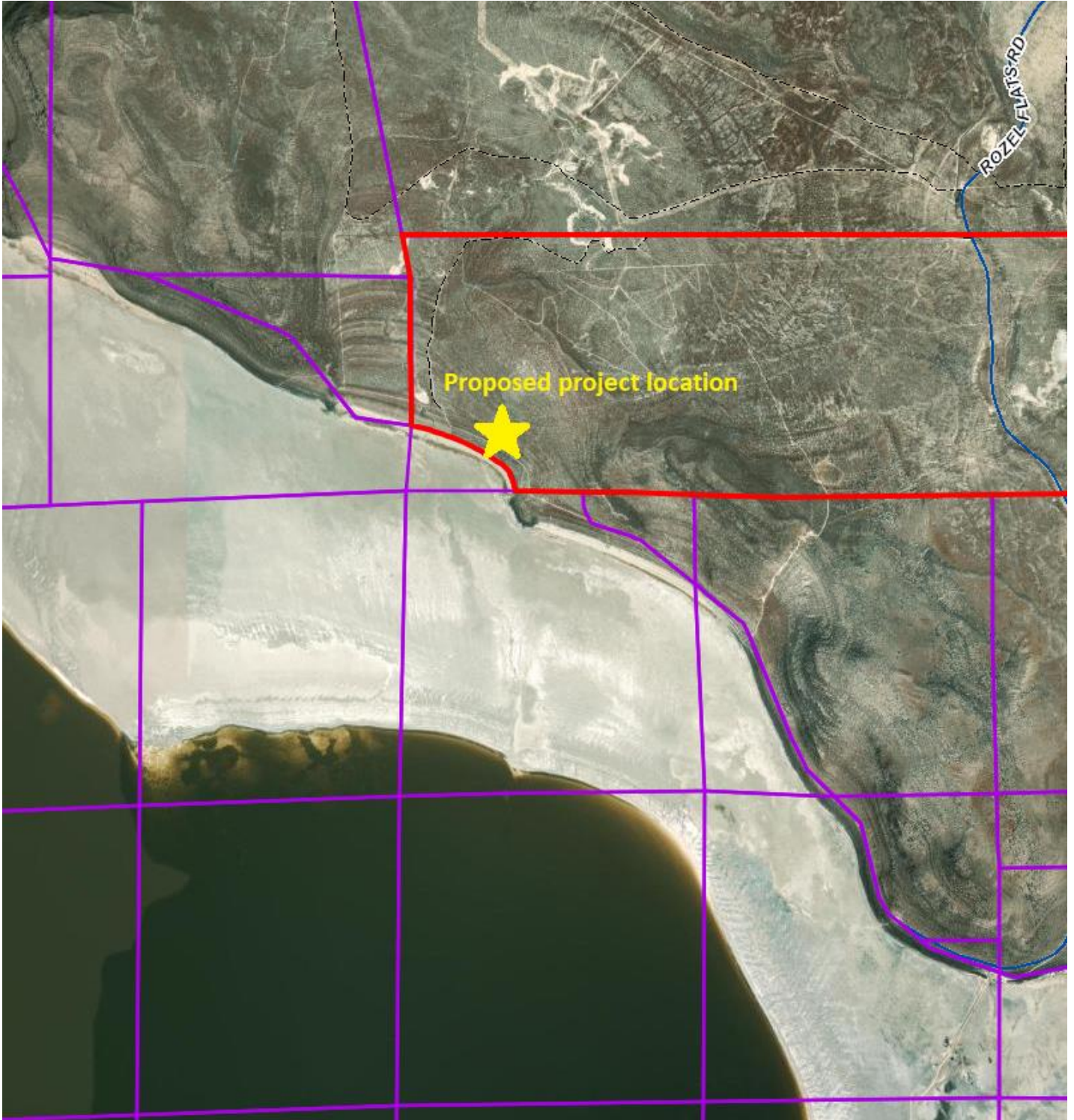
1. List reasons for tabling the item, and what is to be accomplished prior to the next meeting date...

Denial – “I move the Planning Commission deny application number TUP24-001, a Temporary Use Permit for a temporary pilot-scale lithium extraction facility 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: February 15, 2024

Agenda Item #: 7c

Application Type:

Site Plan

APPLICANT(S):

Dee Marble

PROJECT #:

SP24-001

ZONE:

Unzoned

PARCEL #:

05-101-0008

TYPE OF ACTION:

Administrative

REPORT BY:

Scott Lyons,
Comm. Dev. Director

BACKGROUND

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

Surrounding Land Use and Zoning:

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

ANALYSIS

County Code:

Land Use Ordinance Standards Review:

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

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

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

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

Utilities:

The existing structures on site are already being served. The applicant has provided utility letters for water, power, and natural gas for the proposed building. The Health Department has provided a letter requesting some changes to the site plan in order for the drainfields to fit on site. We will need a letter from the Health Department approving the site.

Setbacks:

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

Access:

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

Proposed Conditions:

Staff proposed conditions:

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

County Department Reviews:

- The County Roads Superintendent has reviewed and approved the proposed site plan.
- The County Engineer is currently reviewing the proposed site plan.
- The County Fire Marshal has requested an architect be involved with the proposed site plan for various issues such as building occupancy, ingress/egress, ADA, and fire hydrant placement. Staff is waiting for an update from the applicant regarding this request.
- The County Building Official has requested an architect be involved with the proposed site plan for various issues such as building occupancy, ingress/egress, ADA, and fire hydrant placement. Staff is waiting for an update from the applicant regarding this request.

FINDINGS:

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

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

RECOMMENDATION

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

1. Compliance with Section 2-2-090, Permitted Use Review, of the Box Elder County Land Use Management & Development Code.
2. Compliance with Section 2-2-120, Site Plan Review, of the Box Elder County Land Use Management & Development Code.
3. Compliance with reviews from the County Engineer, Fire Marshal, and Building Official.
4. All lighting must be directed downward and be hooded in order to prevent light pollution onto neighboring properties.
5. All signage must be in conformance with Chapter 5-3, Sign Regulations, of the Box Elder County Land Use Management & Development Code.
6. Compliance with Article 5, Regulations of General Applicability, of the Box Elder County Land Use Management & Development Code.
7. Compliance with all applicable County, State, and Federal laws regulating the proposed use, including all current licenses, permits, etc.

MODEL MOTIONS

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

1. List any additional conditions....

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

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

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



