

**PLUC Recommended Amendments to 85-3
Regarding Solar Energy Systems and Other Amendments 6/13/17**

1.6 DEFINITIONS

HEIGHT, BUILDING. Building Height is the vertical distance between a horizontal line extending from the highest point of any roof, wall, or parapet and the lower of either 1) the lowest point where the vertical face around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face around the perimeter of the building intersects the Finished Grade. Building Height does not include chimneys, ~~or vents~~, [building-mounted or roof-mounted solar photovoltaic panels or modules](#). The vertical face of the structure includes, but is not limited to walls, foundations, footings, piers, or columns that support a wall. Piers, columns or posts that support a part of the structure that is not enclosed, such as decks or porches, shall not be considered part of the vertical face of the structure when determining height. For structures for which no part is enclosed, such as carports, height shall be measured from the highest point of the structure to the lowest point in the Finished Grade directly below the structure.

ROUTINE APPLICATION. An application for land use approval for a building permit, temporary [dwelling building](#) permit, [solar energy system permit](#), certificate of land use compliance, decommissioning contract, certificate of occupancy, conditional use permit for a home occupation, or conditional use permit for a premises occupation which is deemed by the designated land use authority as involving uses that are clearly permitted by this land use ordinance or which, according to the applicant's responses on a form designed to identify routine applications, will not require the imposition of any conditions other than those found in this land use ordinance to ensure that the impact of the proposed use does not exceed the impact of permitted uses in the zone in which the land use is to be located.

[SOLAR ENERGY SYSTEM: a system of solar photovoltaic panels or modules and their ancillary equipment that relies upon sunshine as an energy source and is capable of collecting, distributing and storing \(if appropriate to the technology\) the sun's radiant energy. A solar energy system includes, but is not limited to, ground-mounted, pole-mounted, roof-mounted and building-mounted photovoltaic panels or modules, and light pole and electric charging station-mounted solar panels or modules.](#)

3.1 DESIGNATION OF LAND USE AUTHORITY

3.1.1 Building Permit Agent

The Building Permit Agent shall act as the land use authority to review and determine whether an application for land use approval or a conditional use permit is routine or non-routine and act on routine requests for land use approval for building permits, routine requests for conditional use permits, routine requests for temporary dwelling permits, [routine requests for solar energy system permits](#), routine requests for certificates of land use compliance, routine requests for a decommissioning contract, and routine requests for certificates of occupancy.

3.1.2 Planning and Land Use Commission

The Planning and Land Use Commission shall review applications and make recommendations to the Town Council prior to the Town Council taking action as the land use authority with regard to all applications where the Town Council is the land use authority including applications for nonroutine conditional use permits and subdivisions and the annual review of conditional use permits.

The Planning and Land Use Commission shall act as the land use authority to act upon nonroutine requests for land use approval for building permits, nonroutine requests for temporary dwelling permits, [nonroutine requests for solar energy system permits](#), nonroutine requests for certificates of land use compliance, non-routine request for decommissioning contracts, and nonroutine requests for certificates of occupancy.

The Planning and Land Use Commission shall act as the appeal authority ~~from~~[for](#) decisions by the Building Permit Agent determining that an application for land use approval for a building permit, a conditional use permit, a temporary dwelling permit, [a solar energy system permit](#), a certificate of land use compliance, a decommissioning contract, or a certificate of occupancy is routine if an appeal from the determination of the Building Permit Agent is filed within 15 calendar days after the date that a determination is officially made by the Building Permit Agent.

If, upon appeal, the Planning and Land Use Commission determines that an application for land use approval for a building permit, conditional use permit, a temporary dwelling permit, [a solar energy system permit](#), a certificate of land use compliance, a decommissioning contract, or a certificate of occupancy is routine, it may issue land use approval [for the building permit](#), the conditional use permit, the temporary dwelling permit, [the solar energy system permit](#), the decommissioning contract, or the certificates.

3.3 LAND USE AUTHORITY (LUA) AND APPEAL AUTHORITY TABLE

The table in this section is for reference purposes only and the text in other sections of this land use ordinance, not the table, governs the role of each entity shown on the table.

| <u>Land Use Application</u> | <u>Advise LUA</u> | <u>Land Use Authority</u> | <u>Appeal Authority</u> |
|---|----------------------------------|---------------------------|-------------------------|
| Subdivision approval | Planning and Land Use Commission | Town Council | Appeal Officer |
| Temporary Accessory Dwellings (TADs) for Medical Purposes | Planning and Land Use Commission | Town Council | Appeal Officer |
| Applications related to noncomplying buildings | Planning and Land Use Commission | Town Council | Appeal Officer |
| Applications related to nonconforming uses | Planning and Land Use Commission | Town Council | Appeal Officer |
| <u>Land Use Application</u> | <u>Advise LUA</u> | <u>Land Use Authority</u> | <u>Appeal Authority</u> |
| Ordinance interpretations related to uses | Planning and Land Use Commission | Town Council | Appeal Officer |

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|---|---|--|------------------------------------|
| Others land use applications not assigned | Planning and Land Use Commission | Town Council | Appeal Officer |
| Annual review and renewal of conditional use permits | Planning and Land Use Commission if requested | Town Council | Appeal Officer |
| Determination if an application for a conditional use permit is routine | | Building Permit Agent | Planning and Land Use Commission** |
| Routine conditional use permits | | Building Permit Agent | Appeal Officer |
| Nonroutine conditional use permits | Planning and Land Use Commission | Town Council | Appeal Officer |
| Determination if land use applications are routine* | | Building Permit Agent | Planning and Land Use Commission** |
| Routine building permits and Certificates of Occupancy | | Building Permit Agent | Appeal Officer |
| Routine temporary dwelling permits | | Building Permit Agent | Appeal Officer |
| Routine solar energy system permits | | Building Permit Agent | Appeal Officer |
| Routine certificates of land use compliance | | Building Permit Agent | Appeal Officer |
| Routine decommissioning contracts | | Building Permit Agent | Appeal Officer |
| Nonroutine building permits | | Planning and Land Use Commission | Appeal Officer |
| Nonroutine temporary dwelling permits | | Planning and Land Use Commission | Appeal Officer |
| Nonroutine solar energy system permits | | Planning and Land Use Commission | Appeal Officer |
| Nonroutine certificates of land use compliance | | Planning and Land Use Commission | Appeal Officer |
| Nonroutine decommissioning contracts | | Planning and Land Use Commission | Appeal Officer |
| Variances | | Appeal Officer | District Court |

*Land use applications include building permits, temporary dwelling permits, [solar energy system permits](#), certificates of land use compliance, and decommissioning contracts.

**Appeals must be filed within 15 calendar days after the date that a determination is officially made.

4.2 PERMITTED USES FOR RAR-1 ZONE

- A. Agriculture, the work of producing crops and the raising, care, and keeping of no more than one and one-half (1.5) animal units of livestock per acre on each legally platted lot as determined from section 4.9 of this land use ordinance. One acre of land on each legally platted lot shall be deemed as a residential housing acre and shall be excluded from the total acreage available for animal unit calculations. Also, no more than 8 large sized animals, or 30 medium sized animals, or 100 small sized animals shall be allowed on each legally platted lot as determined from the chart in section 4.9.
- B. The keeping of no more than thirty (30) bee hives on each legally platted Town lot.
- C. Single-family dwellings and buildings accessory thereto.
- D. One stand for the display and sale of agricultural and livestock products raised on the premises.
- E. The keeping of operable farm machinery, farm products and agricultural storage shed(s) for use on the premises.
- F. Feed storage buildings for the storage of farm products.
- G. Barns, corrals, pens, coops, and sheds for the keeping of livestock provided that such structures are located at least 70 feet from property lines between contiguous lots and at least 100 feet from any existing dwelling on a neighboring lot or parcel, and 20 feet from any open waterway that drains into a natural stream or into a drainage way that drains into a natural stream.
- H. Fences that conform to the Town Fencing Ordinance, except as described in Section 4.5.G of this land use ordinance and in the Town Fencing Ordinance as a fence designated for commercial agricultural use.
- I. Signs limited to one nonlighted sign not larger in area than eight (8) square feet and no higher than 6 feet from the natural grade immediately below the sign.
- J. Temporary Dwellings, as provided for in this land use ordinance.
- K. Temporary Accessory Dwellings for Medical Purposes, as provided for in this land use ordinance.
- L. Above ground water tanks that are no more than twelve (12) feet in height when measured from the top of the tank to natural grade and have a flat, non reflective finish that is similar in color to the surrounding soil and vegetation.
- M. [Solar energy systems for residential or agricultural uses.](#)

4.15 SOLAR ENERGY SYSTEMS

The purposes of this section is to allow and encourage solar energy systems in conjunction with residential and agricultural uses on a lot, to promote reduced dependence on nonrenewable energy sources, and to design solar energy systems in a manner that minimizes visual impacts on adjacent properties and that are not detrimental to public health, safety and welfare.

4.15.1 GENERAL DESIGN STANDARDS:

1. [All solar energy systems shall comply with set back requirements in section 5.2 of this ordinance.](#)

2. To the maximum extent feasible, ancillary solar equipment shall be located inside a building or screened from public view. Solar energy system appurtenances shall be screened to the extent reasonably feasible without compromising the effectiveness of the solar collectors.
3. The applicant shall demonstrate that the height, location, setback or base elevation of a solar energy system minimizes potential glare and visual impacts of the system on adjacent properties to the extent reasonably feasible without compromising the effectiveness of the solar collectors.
4. Any solar energy system that has been determined to be unsafe by the Grand County Building Inspector, shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, which may require the panels or modules and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If it is determined by the Grand County Building Inspector that the unsafe condition of the panels or modules and/or associated equipment cannot be mitigated, then they shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.
5. All building-mounted or roof-mounted solar energy system permits (routine and nonroutine) shall only be approved for systems that will be mounted on an existing building or in conjunction with an approved building permit for the building on which the system will be mounted.
- 2-6. For routine ground-mounted or pole-mounted solar energy system permits, the vertical distance between the highest point of any panel or module (at its maximum design tilt) to finished grade or slab on grade directly below, shall not exceed twelve (12) feet.
7. For routine and nonroutine building-mounted or roof-mounted solar energy system permits, the vertical distance between the highest point of any panel or module (at its maximum design tilt) to the roof directly below, shall not exceed one (1) foot, unless roof pitch is 3:12 or less, in such case up to two (2) feet is permitted. No portion of a solar energy system shall project above the maximum allowed building height of 25 feet as measured on a vertical axis from the highest point of the system to the lower of either 1) the lowest point where the vertical face around the perimeter of the building intersects the Existing Grade or 2) the lowest point where the vertical face around the perimeter of the building intersects the Finished Grade.
8. The total combined kilowatts for all routine permitted solar energy systems shall not exceed 10 kilowatts per platted lot.
- 3-9. Storage facilities that require a building permit to store battery backup and ancillary equipment for a solar energy system (routine and nonroutine), must receive a building permit for the building in which said equipment will be stored before final approval of the solar energy system is granted.

4.15.2 NONROUTINE SOLAR ENERGY SYSTEM PERMITS

Applicants may apply for approval of a solar energy system that exceeds the maximum allowed height and kilowatts in section 4.15.1 through a nonroutine solar energy system permit application. The Land Use Authority shall ask applicants to demonstrate that a system taller than twelve (12) feet in height is needed in order to prevent compromising the effectiveness or safety of the solar collectors. Applicants must also demonstrate that a system larger than 10 kilowatts is

needed by listing intended uses of the electricity generated from the proposed system. The Planning and Land Use Commission shall act as the land use authority for such applications and shall require a design review of nonroutine solar energy systems in order to minimize visual impacts on adjacent properties and ensure public health, safety and welfare.

- 1) In reviewing an application, the land use authority shall identify the potential negative effects of the proposed system such as, but not limited to, potential glare and visual impacts on adjacent properties, and require additional screening, placement and design layout to the extent reasonably feasible and without compromising the effectiveness of the solar collectors. The land use authority may require specific placement and sizing of the proposed system to ensure public health, safety and welfare and to ensure that it will not compromise the safety, reliability and operability of the Town's utility infrastructure or place other residents' electrical equipment at risk.
- 2) The total combined ~~kilowatts~~ kilowatts for all nonroutine permitted solar energy systems shall not exceed 25 kilowatts per platted lot.
- 3) For nonroutine ground-mounted or pole-mounted solar energy system permits, the vertical distance between the highest point of any panel or module (at its maximum design tilt) to finished grade or slab on grade directly below, shall not exceed nineteen (19) feet.
- 4) For nonroutine ground-mounted or pole-mounted solar energy system permits, total combined square footage of all ground-mounted or pole-mounted photovoltaic panels or modules shall not exceed 1500 square feet.

5.8 ALL PERMANENT BUILDINGS SHALL BE ON APPROVED FOUNDATIONS

All buildings constructed in or moved into the Town that are intended for permanent habitation or accessory use shall be built or placed on and attached to a site-built, permanent foundation which meets ~~the most recent standards set by the International Building Code~~ the currently adopted codes and amendments under the Utah State Rule 156-56 of the Utah Uniform Building Standards Act regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, and maintenance of all buildings or structures. If the dwelling is a manufactured home, it must meet the most recent ICBO Guidelines for Manufactured Housing Installation.

7.4 STANDARDS FOR REVIEW OF APPEALS TO THE APPEAL AUTHORITY

3. If there is a record, the Appeal Authority's review is limited to the record provided by the Land Use Authority. The Appeal Authority may not accept or consider any evidence outside the Land Use Authority's record. If there is no record, the ~~Board~~ Appeal Authority may call witnesses and take evidence. Appellants may always reapply to the appropriate land use authority if they have new information that might change a decision previously made by the Land Use Authority.