

**Beaver County
Planning & Zoning Commission
April 20, 2021
6:30p.m.**

Minutes

Attendance: Acting Chairman, Kolby Blackner, Don Noyes, Karianne Jarvis, Bryan Graham, Brandon Yardley, Brady Bradshaw, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator. Chairman, Drew Coombs was not in attendance.

Visitors: Mitch Bunting, Terrie Bunting, Steven Gale, Mary Wignall, Danny Yardley and Scott Albrecht.

Called to Order at 6:30 p.m.

MINUTES:

As Chairman, Drew Coombs, was not in attendance, Acting Chairman, Kolby Blackner took charge of the meeting. A prayer was offered by Kolby Blackner and the Pledge of Allegiance was led by Don Noyes. Minutes from the February 16, 2021 meeting were reviewed. Bryan Graham made a motion to approve the minutes. Karianne Jarvis seconded the motion. Don Noyes, Brandon Yardley and Brady Bradshaw voted for, thus the motion passed unanimously.

REZONEMENT:

Mitch Bunting, Personal Representative for his mother, Peggy Jo Bunting, and Terrie Bunting, his wife, came before the board with a rezonement application from Agricultural-20 to Agricultural-10 in Sec. 2, T27S, R7W. They have purchased two, twenty acre parcels adjacent to one another. The family would like to create a subdivision of four, ten acre parcels for single family dwellings with considerable equestrian property. A rezonement of those parcels would be needed for them to proceed with the subdivision process. County Attorney, Von Christiansen asked if there were other subdivisions nearby and asked to view the zoning map. Zoning Administrator, Kyle Blackner stated that the DeArmitt Estates Subdivision is adjacent to this property and is zoned Agriculture 5. He explained that because the Buntings only have 40 acres and the road would have to come out of that, smaller lots would be left, so he recommended rezoning to an Agricultural-5 District. This would allow them four, nine plus acre lots and a dedicated road. Board members inquired of a road easement & access. Kolby Blackner suggested that the applicant consider leaving the parcels as Agricultural-20. Bryan Graham disagreed and said that is where all of the growth is happening and it would allow more flexibility for the developer and would not change the Agricultural use. Brandon Yardley made a motion to open the meeting to a public hearing. Don Noyes seconded the motion. Karianne Jarvis, Brady Bradshaw and Bryan Graham voted for, thus the motion passed unanimously. As there were no comments from the gallery, Don Noyes made a motion to close the public hearing. Karianne Jarvis seconded the motion. Bryan Graham, Brady Bradshaw and Brandon Yardley voted for, thus the motion passed unanimously. After further discussion, Brady Bradshaw made a motion to recommend the CC approved the rezonement from A-20 to A-5. Bryan Graham seconded the motion. Brandon Yardley, Karianne Jarvis and Don Noyes voted for, thus the motion was unanimous.

REZONEMENT:

Brady Bradshaw made a motion to open the meeting to a public hearing, Bryan Graham seconded the motion. Don Noyes, Brandon Yardley and Karianne Jarvis voted for, thus the motion passed unanimously. Steven Gale came before the board with a rezonement application from Agricultural-5 to Residential Estates-1 in Sec. 4, T29S, R7W. He would like to deed a few acres of his seven-acre parcel to one of his children so that they could move back and build a single family dwelling. They would be required to meet zoning regulations, prior to obtaining a building permit. Mr. Gale has a well and sufficient water for the additional single family dwelling. Brandon Yardley expressed his concerns about changing from an Agricultural District to a Residential Estates District, because it changes the use and allows for population density. Bryan Graham inquired if the neighboring landowner would be willing to sell adequate acreage to meet current zoning. Mr. Gale said that if he would be willing, the cost of the property would be prohibitive to the cost of the build. Kolby Blackner mentioned to Brady Bradshaw that his family's farm ground was very close to Mr. Gale and he would have those RE-1 residents encroaching upon his use. Brady Bradshaw was not concerned as there are already single family dwellings dotted all along the Manderfield Hwy and they don't hinder his agricultural practices. Brandon Yardley was concerned making this recommendation would open the flood gates for future change. Mr. Blackner reminded the board that each application should be based on its own merit. Brady Bradshaw reminded us that Mr. Gale is in fairly close proximity to Beaver City limits which is zoned Rural Residential, so it is not much of a reach to Residential Estates. After considerable discussion, Kolby Blackner asked for comments from the public. Danny Yardley felt that you should be able to do what you want on your own property. Brady Bradshaw said he had no concerns. Mary Wignall felt that it would be a shame to prevent him from the opportunity of having his family nearby. Bryan Graham feels that the growth is moving that direction regardless and he doesn't have an issue. As there was no further comment, Brandon Yardley made a motion to close the public hearing. Brady Bradshaw seconded the motion. Karianne Jarvis, Bryan Graham and Don Noyes voted for, thus the motion passed unanimously.

Brandon Yardley made a motion to recommend the County Commission deny the rezonement. Don Noyes seconded the motion. Brandon Yardley and Don Noyes voted for. Karianne Jarvis, Bryan Graham and Brady Bradshaw were opposed, thus the motion died.

Brady Bradshaw made a motion to recommend the County Commission approve the rezonement. Bryan Graham seconded the motion. Brady Bradshaw, Bryan Graham and Karianne Jarvis voted for. Don Noyes and Brandon Yardley were opposed, thus the motion passed 3-2. Kolby Blackner took a moment to remind the board members the importance of attending the meetings, noting that if all were present, the outcome may very well have been different.

CONDITIONAL USE PERMIT:

Scott Albrecht, American Beef Producers Utah representative, and landowner, Danny Yardley, came before the board, seeking a Conditional Use Permit for a Beef Processing Plant in Sec. 4, T30S, R7W in a Multiple Use District. Recently, Mr. Paul Davis and Scott Albrecht applied for the same use, in a different location, but were unable to secure sufficient utilities. As their previous permit issued in 2019 for this location had expired, they are pursuing a new one. As this was previously presented to the board, the applicants presented minimal information, stating that the scope of work was the same as the initial application. This property is located south of Beaver City on a county parcel adjacent to Old Hwy 91.

At this time, they are seeking utilities from Beaver City and natural gas from Dominion Energy. There was additional discussion about utilities and who would/could provide these services. Applicants assured the board that animals will not be fed on site; only under emergency situations if they are held onsite for 24 hours. Additionally, they are working on a contingency plan to dispose of offal outside of Beaver County should Kuhni's be inoperable.

Bryan Graham made a motion to recommend the County Commission approve the CUP with the same conditions imposed on the initial 2019 permit. Brandon Yardley asked to review those conditions and there was some additional discussion/clarification. Don Noyes then seconded the motion. Bryan Graham, Brady Bradshaw and Karianne Jarvis voted for, thus the motion passed unanimously.

WORK MEETING:

Zoning Administrator, Kyle Blackner, provided information about House Bill 82 regarding Accessory Dwelling Units. Due to the statewide housing shortage crisis, the bill was created to allow for an accessory dwelling unit to be created within the established footprint (meaning a basement or portion of the **existing** dwelling) of one's primary residence. This new legislation applies specifically to long term rentals only (30 plus days) not short-term rentals and allows for multi-family dwellings in all districts where single family dwellings are permitted or permitted with conditions, with the possible exception of 25% of the residential zones throughout the county. As many of the residential building codes were modified to promote this use, Mr. Blackner shared a power point showing some of the requirements and code changes.

Additionally, he mentioned that a new law requires four hours of training for new board members, so UCIP will be providing more trainings and making them readily available to us.

Finally, he urged board members to study the subdivision ordinances as he anticipates several coming before the board, perhaps as early as next month.

Brandon Yardley made a motion to adjourn. Don Noyes seconded the motion. Bryan Graham, Brady Bradshaw and Karianne Jarvis voted for, the motion passed unanimously.

The meeting concluded at 8:12p.m.

Minutes approved on _____.

Kolby Blackner- Acting Chairman