

**Beaver County
Planning & Zoning Commission
May 19, 2020
6:30p.m.**

Minutes

Attendance: Drew Coombs- 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.

Visitors: Larry Whittaker, Adrienne Whittaker, Kade Blackner, Klint Blackner, Justin Finch, Kara Finch, Craig Blackner

Called to Order at 6:30 p.m.

MINUTES:

A prayer was offered by Don Noyes and the Pledge of Allegiance was led by Karianne Jarvis. Minutes from the February 25, 2020 meeting were reviewed. Don Noyes made a motion to approve the minutes. Karianne Jarvis seconded the motion. Bryan Graham, Brady Bradshaw, Kolby Blackner and Brandon Yardley voted for, thus the motion passed unanimously.

FIRST ITEM:

Kolby Blackner excused himself from the board and came before them as a representative of Craig Blackner Trucking, seeking a Conditional Use Permit, to do mechanical work on agricultural equipment in S7, T30S, R9W. Zoning Administrator, Kyle Blackner, stated that the Blackners were currently out of compliance with the zoning ordinance and this application was submitted in hopes of obtaining a CUP which would bring them into compliance. Kolby Blackner provided a history of the family's agricultural business and growth to board members. Bryan Graham inquired about the difference in this particular use and the one Mr. Finch brought before the board previously. Kolby Blackner stated that their business is limited specifically to raw agricultural exempt products. County Attorney, Von Christiansen, asked board members to review the definition of Agriculture Industry or Business and stated that he didn't see vehicle maintenance or repairs listed in there. There was extensive discussion about agriculture vs commercial; business vs industry; conditional use permits vs rezonement; repairs/maintenance on vehicles/equipment of one's own company vs that of another and when/where it is determined to be an agriculture or commercial endeavor. Although these two recent applicants have come before the board, seeking compliance, all members are aware of others who may or may not be in the very same situation with one individual/business assisting or contracting labor of another. Von Christiansen stated that Kolby Blackner should not be sitting at the table since the board is discussing this issue. It was Kolby Blackner's understanding that he could present his application to the board, but abstain from voting, just as Brandon Yardley did at the last meeting when presenting his CUP application. Attorney Christiansen said that was another oversight on his part and then proceeded to pass out the Beaver County Conflict of Interest Policy for review, as he was concerned about public perception. Don Noyes inquired if it would be better to rezone the property to a Multiple Use District. Mr. Blackner said it would not resolve this issue as it was not a conditional use in that district, only in commercial and manufacturing districts.

Kolby Blackner stated that it was their end goal to annex into Minersville Town and they would need this CUP, only until they could accomplish this goal. Additionally, he stated that he wanted our county attorney to provide adequate training on conflict of interest, because he didn't want anyone to ever be in his current position, in the future. Von asked Mr. Blackner if he could schedule some training in the near future. Mr. Blackner said that he would. Brady Bradshaw stated that it would be his recommendation to annex into Minersville Town, as the property can only be accessed through town and they should have a voice on that impact. Currently they have two full time mechanics who service about 16 of their own vehicles and 10-11 of the Smithfield trucks. Craig Blackner stated that they maintain appropriate speed limits and require their delivery drivers & customers to do the same. Kolby Blackner volunteered to leave the room while the board members discussed/deliberated this issue as he didn't want to cause any intimidation or coercion. After additional discussion and reviewing the definition of Agriculture in our county code, Brandon Yardley made a motion to table the issue for 90 days, allowing Blackner Trucking to begin the process of Annexation with Minersville Town. Don Noyes seconded the motion. Karianne Jarvis, Brady Bradshaw and Bryan Graham voted for, thus the motion passed unanimously. Kolby Blackner returned to the meeting.

WORK MEETING:

Mr. Blackner explained to the board that Justin Finch asked if they would discuss the possibility of adding "truck repair/maintenance shop" as a Conditional Use in Agriculture and Multiple Use Districts. There were questions if these shops would be exclusive to agriculture equipment & vehicles and how we specify what is agriculture. Brandon Yardley felt that Agriculture Districts were created to protect agriculture and once we allow other uses into the zone, we are no longer protecting agriculture. He feels that when money changes hands, it then becomes a commercial business and is no longer agriculture. Kolby Blackner reminded the board that we have many components of agriculture, including industrial and commercial and that they all need to be protected. He suggested taking a closer look at our definitions. Mr. Blackner stated that Zoning Ordinance is a living, breathing document and constantly in need of review and adaptation. There was on-going discussion about what was truly commercial, including dollar amount, volume of work, primary income verses supplementary, etc. Kolby Blackner suggested that the business model should be a key factor. Drew Coombs referenced a tax document that uses the term, "supplemental to agriculture". Brandon Yardley reminded board members that ag businesses are not changing the footprint of the property. Justin Finch stated that he would like to be doing business, just as Craig Blackner Trucking, on his own vehicles and others. Board members agreed that there is a need for truck repair/maintenance shops in our county, but they don't want to do it at the expense of agriculture, as there are other districts where this can be done. Board members felt that there was a need to look closer at the definitions and try to establish clearer standards in the coming months. Mr. Blackner offered to do some research within other counties to see if they have an "agriculture truck repair/maintenance shop" definition. This item was then tabled for further discussion at future meetings.

Zoning Administrator, Kyle Blackner, stated that The State of Utah requires a Drinking Water Source Protection Ordinance for all jurisdictions. The purpose is to ensure provisions of safe and sanitary drinking water supply for inhabitants of the county and surrounding communities, as this specific ordinance does overlap jurisdictional boundaries. He showed a map of the Beaver City area and the 4 Tiers they have implemented that restrict building in areas near their water sources in order to protect the health, safety and welfare of their citizens.

After previously reviewing several such ordinances, he found one that he felt was best suited to our uses and needs. He referred to the Millard County Ordinance that was included in the packet and it was briefly reviewed by all in attendance. Although board members understood the importance of protecting their drinking water sources, some of them felt that we should keep it as simple and unrestrictive as possible, as not to limit potential future growth of agricultural opportunities throughout the county, while others felt the opposite, that protecting our drinking water sources is paramount and should take precedence over all growth; residential, agriculture and commercial alike. Kolby Blackner was excused from the meeting at 8:09. After additional discussion, Chairman Coombs suggested that all board members review the Millard County Ordinance at length, using it as a draft to make notes and suggestions, so at the next meeting we can compile changes to meet our county's specific needs.

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

Mr. Blackner

The meeting was concluded at 8:21p.m.

Minutes approved on _____.

Drew Coombs- Chairman