

**Beaver County
Planning & Zoning Commission
October 18, 2022
6:30p.m.**

Minutes

Attendance: Acting Chairman, Bryan Graham, Kolby Blackner, Don Noyes, Brandon Yardley, Brady Bradshaw, Mitch Dalton, Jared Gillins-Deputy Zoning Administrator, Von Christiansen-County Attorney and Kyle Blackner- Zoning Administrator. Karianne Jarvis was not in attendance.

Visitors: Jackie Whittlesey, Mark Whittlesey, Mary Wignall, Lisa D. Hendrickson, Casey Ross, Kirby Barkdull, Colt Willden, Nick Willden and Jen Wakeland.

Called to Order at 6:30p.m.

MINUTES:

A prayer was offered by Mitch Dalton and the Pledge of Allegiance was led by Kolby Blackner. Minutes from the September 20, 2022 meeting were reviewed. Brady Bradshaw made a motion to approve the minutes. Mitch Dalton seconded the motion. Kolby Blackner voted for, thus the motion passed unanimously.

REZONEMENT:

Nick Willden and Kirby Barkdull returned to the board seeking an Amendment to the Zoning Map from Residential Estates 5 (RE-5) to Agricultural 5 (A-5) for the Beaver Valley Estates Subdivision located in Sec. 34, T28S, R7W to keep with the use of the surrounding property for grazing & agricultural purposes. This issue was brought to a public hearing, then discussed and tabled at the last meeting, until more board members could be in attendance and some could do more research on the matter. Mr. Willden took a moment to summarize his intentions for those members who were not here last month and the zoning map was reviewed. Don Noyes and Brandon Yardley arrived at 6:48. Mr. Willden said that the rezonement is to prevent his neighbor from complaining about his ongoing agricultural activities and he would be happy with an A-5, A-10 or A-20, whatever the board preferred. Board members and counsel inquired about the road easement, subdivision infrastructure, benefits of the rezonement, estimated number of animals, imposed conditions from the CUP & Appeal and if they might set a precedence, etc. Mitch Dalton & Brandon Yardley felt that some of the amended imposed conditions were vague and they wouldn't want to agree or adhere to them as a property owner. Acting Chairman, Bryan Graham, felt that the area from the Manderfield Rd to the North Creek Loop Rd and the Upper North Creek Rd should all be rezoned RE-5. Mitch Dalton asked Mr. Willden if he was willing to revoke or vacate the subdivision. Mr. Willden said he would absolutely do that. Kolby Blackner voiced the pros/cons of the rezonement and subdivision. Mr. Barkdull said they would also be willing to amend the subdivision to ten (10) acre lots if that would help the rezonement process. Discussion was had about the process to amend or revoke the subdivision and the issue of non-conforming lots which would then cause additional problems, if not addressed. The P/Z Board does not have the ability to change the zoning district, but only make a recommendation on the specific application, whereas the County Commission can review the application and make any suggested changes they feel are appropriate, such as rezoning to a different district.

Zoning Administrator, Mr. Blackner, then clarified the boards options; recommend the CC approve the zone change, recommend the CC deny the zone change, making a recommendation to the CC with a suggestion behind it to amend or vacate the subdivision, recommend the applicant vacate/revoke the subdivision prior to recommending the CC approve the zone change, recommend the applicant amend the subdivision prior to recommending the CC approve the zone change. He then reminded the board to consider the use of the property, not just the zone, and ask themselves what is the property now being used for and going to be used for in the future.

Brandon Yardley made a motion to recommend the County Commission approve the zone change from RE-5 to A-5. Don Noyes seconded the motion. After extension discussion, Kolby Blackner and Mitch Dalton voted for. Brady Bradshaw voted against, thus the motion passed 4-1.

PUBLIC HEARING:

Charles Ross and Lisa Hendrickson came before the board seeking an Amendment to the Zoning Map from Agricultural 20 (A-20) to Residential Estates 5 (RE-5) in Sec. 3, T29S, R7W for the purpose of bringing their property into compliance and in harmony with the appropriate district and use. Mr. Ross provided a brief summary of their property and uses. Mitch Dalton and Bryan Graham wondered if there was a benefit to RE-5 instead of A-5. Mr. Ross said that RE-5 met the use more accurately, as there will never be agricultural uses on their property. Mrs. Hendrickson stated that they were adjacent to an RE-5 parcel to the north and there are others in the surrounding area. After brief discussion, Brady Bradshaw made a motion to open the public hearing. Don Noyes seconded the motion. Brandon Yardley, Mitch Dalton and Kolby Blackner voted for, thus the motion passed unanimously. As there was no one in the gallery for this purpose, Don Noyes made a motion to close the public hearing. Brandon Yardley seconded the motion. Kolby Blackner, Brady Bradshaw and Mitch Dalton voted for, thus the motion passed unanimously. Mitch Dalton made a motion to recommend the County Commission approve the zone change from A-20 to RE-5. Kolby Blackner seconded the motion. Don Noyes, Brandon Yardley and Brady Bradshaw voted for, thus the motion passed unanimously.

WORK MEETING:

Mr. Blackner introduced Jen Wakeland, Beaver County's Strategic Development Director, to the board. Mrs. Wakeland took a few minutes to share her background, insight and vision for the county and our role in helping to achieve those goals.

Mr. Blackner then presented board members with several definitions of Vesting Timetable to review and provide feedback. After a short discussion, it was decided that the 5th option, with a little cleanup would be the best choice. We will bring the new draft to a public hearing at our November meeting.

Next, he passed out an extensive packet of Accessory Dwelling Units (ADUs) information, compiled from many other sources, for the board to review. Because state law requires that we have ADUs as permitted uses in the county, Mr. Blackner believes it is important to identify their purpose and benefits in order to cultivate them most effectively, throughout the county. He intentionally started with a lengthy rough draft, to provide board members with a wide overview of the topic and then asked them to take the information home and edit the draft as needed to conform to the needs of Beaver County specifically. Board members were asked to send back their edited versions to then be distributed to all members, so we can start a dialogue.

Mr. Blackner clarified that although attached or detached ADUs are permitted in any district that allows for single family dwellings as a permitted use, we would likely include them in districts that allow single family dwellings as a conditional use. ADUs must be owner occupied and cannot be used for nightly rentals.

The discussion then moved onto Business Licenses as the county commission has had some interest in implementing them in the coming year. However, after doing extensive discussion with other jurisdictions and the State Property Rights Ombudsman, Mr. Blackner, discovered that it is not a land use decision, but is a county commission legislative body decision. There is still some uncertainty of who will issue them and which ones will require onsite inspections (which will fall to the building department), but those will be issues to be determined by the county commission.

Finally, Mr. Blackner said that next month we will be discussing Tiny Homes (400 sq. ft. or less) in greater detail as there have been some individuals interested in placement of them for nightly rentals.

Brandon Yardley made a motion to adjourn. Brady Bradshaw seconded the motion. Mitch Dalton, Kolby Blackner and Don Noyes voted for, thus the motion passed unanimously.

The meeting concluded at 8:41

Minutes approved on _____.

Bryan Graham- Acting Chairman