

**Beaver County
Planning & Zoning Commission
August 16, 2022
6:30p.m.**

Minutes

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

Visitors: Paul Whitley, Nicole Bennett, Jackie Whittlesey, Mark Whittlesey, Mary Wignall and Keven Whicker.

Called to Order at 6:34 p.m.

MINUTES:

A prayer was offered by Brandon Yardley and the Pledge of Allegiance was led by Von Christiansen. Minutes from the June 21, 2022 meeting were reviewed. Brandon Yardley made a motion to approve the minutes. Mitch Dalton seconded the motion. Don Noyes & Bryan Graham voted for, thus the motion passed unanimously.

Brady Bradshaw arrived at approx. 6:40.

PUBLIC HEARING:

Bryan Graham made a motion to open the meeting to a public hearing for Ordinance 2022-05: An Ordinance to Adopt the General Plan to include the amendment to the Resource Management Plan. Don Noyes seconded the motion. Mitch Dalton, Brady Bradshaw and Brandon Yardley voted for, thus the motion passed unanimously. Attorney, Von Christiansen, invited Keven Whicker, County Resource Specialist, to summarize the project for those in attendance. Mr. Whicker explained that the RMP directs the county's policies when dealing with other public land agencies and over the past several months the board has reviewed/revised the Energy, Livestock & Grazing, Mining, Minerals & Geological Resources and Pipelines & Infrastructure sections. Chairman, Karianne Jarvis, thanked Keven for the excellent job he has done on the RMP. Mary Wignall asked for the specific changes and Keven provided a brief overview; small changes to the energy section regarding solar farms and grazing, adding the pipeline & infrastructure section to identify these throughout the county, additions in the livestock & grazing section regarding retention of AUMs and adding critical minerals & rare earth elements to the mining & mineral section. Keven then clarified that we don't need to include the General Plan as part of this Ordinance as the only changes are to the RMP specifically. Mr. Blackner said he will make that change going forward for the county commission. Brandon Yardley made a motion to close the public hearing. Mitch Dalton seconded the motion. Brady Bradshaw, Don Noyes and Bryan Graham voted for, thus the motion passed unanimously. Don Noyes made a motion to recommend the County Commission Adopt Ordinance 2022-05: An Ordinance Adopting Amendments to the Resource Management Plan. Brandon Yardley seconded the motion. Mitch Dalton, Bryan Graham and Brady Bradshaw voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Amazon Representatives, Paul Whitley and Nicole Bennett, came before the board seeking a Conditional Use Permit to install an 80' x110' Facility for six (6) 8'x8' satellite dishes and ancillary equipment in Sec.16, T27S, R10W in a Multiple Use (MU) District, about four miles north of Milford, just off of the Geothermal Plant Road. This is part of their national effort to provide wireless broadband internet service to the public across the United States. This location is desirable due to the ease of access and the existing facility with fiber that they can tap into, with minimal impact on the surrounding area. This hub would be the only site in Utah and will coordinate with other satellites throughout the U.S. If the project is successful, it would improve the availability/quality of service across the country, especially in those outlying areas where it is not currently available. Although Amazon does not own the parcel or facility, they will be leasing a portion of it for the project. They will surround the satellites with a ten-foot-tall, metal, corrugated fence designed to protect their equipment and as a safety barrier for the public and surrounding wildlife. The site will be monitored with cameras at all times and they will operate within all FCC guidelines. The \$500,000 build would be of benefit to the local tax base while under construction, generate property tax for the county and likely a service tax from subscribers. Amazon is securing CUPs from other jurisdictions and once acquired, they will turn to the installation phase, then finally launch the main satellite, hoping to complete the project in the next two years.

Following a few questions about the safety of the satellites- to both people and animals, location, the availability of service, benefits to the county, etc., the board then reviewed and discussed a list of the most commonly imposed conditions and agreed that those conditions would apply, with the exclusion of Dust Control & Stabilized Vegetation, as the location was already established with a gravel pad and neither of these issues were applicable. Brady Bradshaw made a motion to approve the CUP with the list of imposed conditions. Mitch Dalton seconded the motion. Don Noyes, Bryan Braham and Brandon Yardley voted for, thus the motion passed unanimously.

WORK MEETING:

Mr. Blackner then brought to the boards' attention several issues that need to be updated by ordinance. First, he discussed the need to update County Code 9-1-6: Definitions: Reasonable Notice, to mirror the recent changes in Utah Codes 17-27a-204 & 17-27a-205 for Public Hearings and Public Notice of Meetings. He provided the board with a copy of the current county ordinance, along with the proposed changes. Although notification for Public Hearings is no longer required to be published in the local newspaper, we plan to do so, but we can now publish it one week prior to the meeting, instead of the two weeks previously required (because of the 10 days' notice and newspaper deadline). This will allow us additional time to compile information for a pending hearing, while still providing adequate time to the public, as many look to the paper for such notice, as opposed to social media. Additionally, we post notice on the Utah State Website, Beaver County Website, the three city/town offices, and in the county building in two locations. After discussing those proposed changes, Mr. Blackner also mentioned the need to change 9-1-12 C: Amendments: Notice and Hearing: from County Commission to County Planning & Zoning Commission. It was suggested that we compile both items into one ordinance, to bring to a Public Hearing at our next meeting.

Second, he discussed the need to update County Code 9-3: Board of Adjustment. State law has done away with this term and now uses the term "Board of Appeal" throughout land use law.

To reflect state law, we will be deleting “Adjustment” and replacing it with “Appeal” throughout Title Nine, Chapter Three. Additionally, we need to change 9-3-1: Membership: the term length from five years to four years as our board members are elected officials appointed from other boards within county jurisdictions, all of which serve four year terms. There is not a limited number of terms for serving on the Board of Appeal. There was some proposed change to 9-3-6A: Appeals: to clarify that applicants have the right to appeal a decision made by the Zoning Official and/or the P/Z Commission. 9-3-6B proposed changing the time limit for filing from forty-five (45) days to ten (10) days. This is the time limit that is used by the State of Utah and some other surrounding jurisdictions. Brady Bradshaw voiced his concerns about the short turnaround. Mr. Blackner clarified that it was the time limit to file for an appeal, but that the applicant would then have additional time to prepare for the appeal before the board. Bryan Graham suggested twenty (20) days. Board members also understood the need to substantially shorten the time limit, thus allowing the CUP applicant/developer to proceed with their project in a timely manner. After additional discussion, it was agreed that ten (10) business days would be a good compromise as it would provide additional time through the weekend and exclude any holiday closures.

Mr. Blackner clarified that whatever time limit is ultimately chosen, that we need to also change it in 9-17-10: Appeal of Decision: to be consistent throughout county code. There were two minor changes in 9-3-6D: to update pronouns. It was also necessary to add 9-3-6G: Standard of Review: All appeals will be done as a Record Review of factual matters. It was decided that we will compile all of these proposed changes into one ordinance, to bring to a Public Hearing at our next meeting.

Finally, the board discussed the need for establishing a Vesting Timetable, via ordinance, to safeguard the applicant from others trying to undermine their progress. Mr. Blackner felt that upon receiving a completed application and fees the applicant should be vested. He asked the board members to ponder on it and they can discuss it again, next month, along with cluster subdivisions of Tiny Homes used for short term rentals and more information about ADUs.

Don Noyes made a motion to adjourn. Mitch Dalton seconded the motion. Bryan Graham, Brandon Yardley and Brady Bradshaw voted for, thus the motion passed unanimously. The meeting concluded at 7:59 p.m.

Minutes approved on _____.

Karianne Jarvis- Chairman