

**Beaver County
Planning & Zoning Commission
May 17, 2022
6:30p.m.**

Minutes

Attendance: Karianne Jarvis- Chairman, Kolby Blackner, Don Noyes, Bryan Graham, Brandon Yardley, Brady Bradshaw, Mitch Dalton, Jared Gillins-Deputy Zoning Administrator, Patty Simard- representing the County Attorney and Kyle Blackner- Zoning Administrator.

Visitors: David L. Wheeler, Tanner Larsen, Lisa Hendrickson, Charles Ross, Sara Miller, David Miller, Kirby Barkdull, Nick Willden, Lee Hansen, Cyndi Hansen, Jackie Whittlesey, Mark Whittlesey, Julia M. Moore, Jeremy Carroll, Shane Gadbow and Chris Gonya.

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 April 19th, 2022 meeting were reviewed. Bryan Graham made a motion to approve the minutes. Brandon Yardley seconded the motion. Mitch Dalton, Brady Bradshaw, Don Noyes and Kolby Blackner voted for, thus the motion passed unanimously.

PUBLIC HEARING:

Zoning Administrator, Kyle Blackner, took a moment to explain the benefit of Ordinance 2022-04, including “Drilling for Energy Related Products” as a Conditional Use in the Central Development (CD) and General Industrial (M-G) Districts. Although it is currently a Conditional Use in the Multiple Use District, it needed to be added to the Central Development District (CD) to allow continuing development for Blue Core Labs, Inc. & GFE Sustainable, Inc. (the companies that requested the zone change on their property, near Sulphurdale, at our last meeting). Additionally, we included the General Industrial District (M-G) because it had similar uses. After reviewing the definition, it was confirmed that this change would apply to oil, gas, steam, geothermal and photovoltaic (solar) resources. Brandon Yardley made a motion to open the public hearing. Don Noyes seconded the motion. Kolby Blackner, Mitch Dalton, Brady Bradshaw and Bryan Graham voted for, thus the motion passed unanimously. Blue Core Labs, Inc. & GFE Sustainable, Inc. representative, Dave Wheeler thanked the board for considering this amendment that would allow them to heat & power their buildings. As there were no additional comments, Don Noyes made a motion to close the public hearing. Bryan Graham seconded the motion. Brady Bradshaw, Brandon Yardley, Kolby Blackner and Mitch Dalton voted for, thus the motion passed unanimously. After some brief discussion, Brandon Yardley made a motion to recommend the County Commission adopt Ordinance 2022-04 to include “Drilling for Energy Related Products” as a Conditional Use in the Central Development (CD) and General Industrial (M-G) Districts. Don Noyes seconded the motion. Bryan Graham, Kolby Blackner, Mitch Dalton and Brady Bradshaw voted for, thus the motion passed unanimously.

SKYLINE TERRACE SUBDIVISION- FINAL PLAT APPROVAL

Bowman Asset Management Co-Owner & Developer, Shane Gadbow, and partner, Chris Gonya, came before the board to answer any questions regarding Final Plat Approval of their Skyline Terrace Subdivision in Sec. 36, T28S, R5W in a PUD District. Brady Bradshaw asked if there were any zoning restrictions/requirements and if Lot 8 was large enough to accommodate the ten (10) zip kit homes. Mr. Gadbow confirmed that it was designed to meet the Septic System Standards. Mr. Blackner said it was similar to a cluster subdivision on one parcel with multiple dwellings and there are different tiers/stages of septic systems to accommodate the density of an area. After a brief review of the parking and snow removal concerns, Bryan Graham made a motion to recommend the County Commission approve the Final Plat of Skyline Terrace Subdivision. Mitch Dalton seconded the motion. Brandon Yardley, Kolby Blackner, Don Noyes and Brady Bradshaw voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Dave Wheeler, Blue Core Labs, Inc., Chief Operations Officer, came before the board on behalf of themselves and GFE Sustainable Inc. seeking a Conditional Use Permit for a Water Packaging Plant & Storage Warehouses in Sections 12-14, T26S, R7W in a Central Development (CD) District. They have plans for a 130,000 sq. ft. plant on their 72 acres and multiple warehouses for storing the product that will be built on the GFE Sustainable, Inc. properties. Once the CUP is granted, they will begin the building permitting process. Initially, they will be using Rocky Mountain Power as their heat/power source, then will capture the geothermal product to heat/power the facility within approx. three years to generate 1 MW needed for the project, enough energy to sustain the nearby affordable housing units and 3-4 additional MWs to put back into the grid. If all goes as planned, they will begin hiring/training upper level employees at other locations in December of 2022 as this facility is being constructed, and then over the next 12-13 months anticipate full production with one hundred forty (140) full time employees. Blue Core Labs, Inc. owns the water rights and currently leases them to the previous owner for farming/ranching. Kolby Blackner anticipates the need for improvement on Hwy 91 and mentioned that a road maintenance agreement would be required from the County Commission as one of the conditions. Board members and Mr. Wheeler reviewed a list of conditions, commonly imposed on projects of similar size/scope and it was decided that all of these would apply. Don Noyes made a motion to recommend the County Commission approve the CUP with the list of imposed conditions. Brandon Yardley seconded the motion. Bryan Graham, Kolby Blackner, Brady Bradshaw and Mitch Dalton voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Nicholas Willden and Kirby Barkdull came before the board seeking a Conditional Use Permit for Grazing Livestock in Sec. 34, T28S, R7W in a Residential Estates 5 Acre (RE-5) District where they are raising Akaushi Japanese Cattle for seed stock. The cows will be on site to calve out and for AI services from a specialty vet. The calves will remain on the North Creek Property and the cows will be transported to Greenville, where Mr. Willden has recently contracted to purchase fifty-seven additional acres to feed them out during the summer and fall. Of the forty acres in Beaver Valley Estates, nine are currently under irrigation. They were recently granted permission to drill a second well which will provide irrigation for 6-7 additional acres of pasture and water for a residential dwelling. Previously, they have been cutting/baling/storing the hay for winter feed, but with this additional pasture ground, they will simply rotate the animals from one pasture to another, as they will have the opportunity to harvest additional feed on the Greenville property.

Although all board members had inquiries, board member, Bryan Graham, led with many of the questions as he had spent a considerable amount of time working as a mediator between the applicants and their disgruntled neighbors. There was discussion about how to determine the number of animals per acre, how many acres were available for this use (subtracting for the homes, out-buildings, etc.), the timeline the animals will be on the property, size of animals, pasture feeding-vs-a feed lot, animal containment, calving sheds, loading chutes, panels, neighbor's expectations of residential development, road access, easements, well location, etc. After some discussion, Kolby Blackner asked if a rezonement would be a better option for this purpose. Mr. Willden stated that he would be glad to do that as the property was exactly the way it was when it changed from the Agricultural District. As the zoning map was reviewed, it was clear that Mr. Willden's/Mr. Barkdull's property bordered an Agricultural District where another property owner was also grazing/supplemental feeding approx. 100 head over 80 plus acres for several months of the year. Conditional Uses in a RE-5 District -vs- Permitted Uses in an Agricultural District were discussed.

Bryan Graham suggested that Mr. Willden, Mr. Barkdull, and neighbor Mr. Ross should discuss some of their concerns and wondered if we should table the discussion until they could come to a conclusion. Mr. Willden did not see a need for that as it was not Mr. Ross' property. Mr. Barkdull has and was willing to visit with Mr. Ross as it was his desire to be amicable as he pursues this business venture. Mr. Blackner explained that both state law & county ordinance requires a subdivision for residential division of property, but not for agricultural division and clarified that the zoning district has precedence even in the subdivision. Brady Bradshaw did some simple math using the current Beaver City Ordinance and suggested an approx. number of cattle would be twenty-eight (28) on the available thirty-five acres. Bryan Graham asked if the board would consider listening to public comment from neighboring land owns. Chairman, Karianne Jarvis, agreed to open the meeting to public comment.

Lisa Hendrickson asked if the board would bring this application to a public hearing as some neighbors were not in attendance; stated that she has been granted a hearing to voice her concerns regarding the well; that there were twenty cows on site in February and she experienced a time when there was no water in her home and they have already felt the impact of this endeavor. Casey Ross read a portion of the Purpose of Residential Estates, "This district is intended to be primarily residential in character and protected from encroachment by commercial, industrial, and commercial agricultural uses"; anticipated a residential district when they bought the property and stated that he likes his other neighbors; said that this is a commercial/agricultural venture; quoted from the permitted use section of RE-5 and felt that there should not be a conditional use that violates the purpose of the district. Julia Moore asked how the board could take their rights away from RE-5 District property owners and deplete the water source. David Miller stated that they did their homework prior to purchasing their property and didn't anticipate an agricultural business nearby, however he really appreciated Nick and the meticulous job of maintaining the property; stated that the board shouldn't extrapolate the RE .5 to RE-5. Sarah Miller asked the board to take into account the dwellings & sage brush area and deduct them from the acreage, but stated that her biggest concern was the potential for someone else to come in and purchase this entire commercial operation and the impact it could have on them. Cynthia Hansen said they just want to be good neighbors, but does not support this commercial enterprise and ask that the board take a close look at acreage available for grazing; asked who is going to monitor the number of cattle on the property?

Following public comment, Kolby Blackner stated that this is a conditional use within this district we are required to impose conditions and cannot deny this application based on public clamor. There was additional discussion about the difference between Permitted Uses and Conditional Uses within the District and Mr. Blackner clarified that the Residential District can have commercial uses (listing several from the list), but that the primary use is for residential purposes. He also explained that the .8 AU per acre was an average between .5 (desert) & 1.1 (pasture).

After further passionate discussion, conditions were discussed and a similar CUP was reviewed. It was agreed that we should use Conditions 1 & 2 from the CUP, as those are imposed on all CUPs. Additionally, it was decided that the number of animals would be 25 cow/calf pairs, there would be no confined animal feedlot on the premises and that the fences would be properly maintained. Brandon Yardley made a motion to approve the CUP with those imposed conditions. Don Noyes seconded the motion. Mitch Dalton, Brady Bradshaw, Kolby Blackner and Bryan Graham voted for, thus the motion passed unanimously.

WORK MEETING:

County Resource Specialist, Keven Wicker, came before the board to discuss the proposed amendments to our Resource Management Plan. Kolby Blackner asked to be excused at 8:40pm. The Livestock & Grazing section had been updated with the revisions from the last meeting and it was decided that all changes were appropriate. The Mining, Minerals & Geological Resources section was reviewed with substantial additions and it was agreed that all edits were beneficial. Board members expressed their appreciation of all of Mr. Whicker's knowledge, time and continuing efforts. Additional sections of the RMP will be reviewed at the next meeting.

Finally, Mr. Blanker thanked the board for their service and the time and effort they put in to a thankless job, reminding them how important their role is to this county.

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

The meeting concluded at 8:55 p.m.

Minutes approved on _____.

Karianne Jarvis- Chairman