

**Beaver County
Planning & Zoning Commission
September 20, 2022
6:30p.m.**

Minutes

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

Visitors: Julia Moore, Kirby Barkdull, Nick Willden, Jackie Whittlesey, Mark Whittlesey, Cynthia Hansen, Lee Hansen, Mary Wignall, Lisa D Hendrickson, Casey Ross, Margaret Wellman, Matthew Roberts, Don Roberts, and Jen Wakeland.

Called to Order at 6:38 p.m.

MINUTES:

A prayer was offered by Brady Bradshaw and the Pledge of Allegiance was led by Von Christiansen. Minutes from the August 16, 2022 meeting were reviewed. Don Noyes made a motion to approve the minutes. Brandon Yardley seconded the motion. Brady Bradshaw voted for, thus the motion passed unanimously.

REZONEMENT:

Nick Willden and Kirby Barkdull came before 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. They are the original owners of the subdivision, none of the lots have been sold, and their plan has always been to build their own dwellings and graze on the additional acreage. The initial zone change was requested by them in March of 2006 from Agricultural 10 (A-10) to Residential Estates 5 (RE-5), prior to the development of the subdivision. It is not their intention to abandon the subdivision, but they are seeking to rezone it from RE-5 to A-5. The zoning overlay map was reviewed to show zoning districts surrounding the subdivision and to identify other A-5 subdivisions in the surrounding area. Everything to the south and east of the subdivision is zoned Agriculture and everything to the west and north is zoned Residential Estates 5. The applicants currently have a Conditional Use Permit for grazing 25 cow/calf pairs, but have fewer on the property and don't anticipate ever exceeding that number. Brandon Yardley asked why there was a desire to rezone to agriculture. Mr. Willden stated that it is to prevent his neighbor from causing ongoing problems for them now and in the future. Attorney, Von Christiansen, thought that the board of adjustment appeal had resolved this issue when both parties agreed to amend the CUP with additional imposed conditions.

PUBLIC HEARINGS:

Brandon Yardley made a motion to open the public hearing. Don Noyes seconded the motion. Brady Bradshaw voted for, thus the motion passed unanimously.

Margaret Wellman read a letter on behalf of Catherine Baggs, who was unable to attend, stating that everyone should be able to do what they want on their own land as long as it doesn't infringe upon the rights of their neighbors and is seeking for a mutual agreement that everyone can live with. She is fearful that a rezonement would provide the applicant free reign and potentially a feedlot situation that would not be conducive to the residential neighborhood. Mrs. Wellman stated that she agrees with Mrs. Baggs letter 100 %. Julia Moore feels that when property is purchased there is an expectation about the use and it should be protected. She thinks a rezonement is unfair. Cynthia Hansen stated that she is 110% pro agriculture and is not opposed to the operation as it now stands, with the CUP and conditions, but she is opposed to someone thinking their property rights should usurp others. She believes the commission and the neighbors have been reasonable and asked that we deny the rezonement and hold him to the imposed conditions, as his rights are not more important than all of the rest. Finally, she thanked the board for their time & sacrifice. Lisa Hendrickson used the zoning map to show where all of the neighbors live in relationship to the applicants, who are surrounded by residential homes. She said that Mr. Willden has approx. thirty (30) acres for forage grazing, but in reality it is supplemental feeding. She provided pictures of a hay barn, hay stack, and hay being fed off of a flatbed truck. As her time was up, she submitted her written statement for the board's review. Casey Ross, who lives adjacent to Mr. Willden, is concerned that he will become an island, cut off from the county road and is wondering why the rezonement is necessary and why they can't just abide by the CUP. He questioned if the public easement would become null and void if the rezonement was granted and is angry that Mr. Willden's long range plan was not disclosed when he purchased the neighboring property, as he anticipated a residential neighborhood. David Miller thanked the board for their time and asked if the zone change was approved, if the existing CUP would go with it. Brandon Yardley and Kyle Blacker stated that a CUP would no longer be needed for grazing in an A-5 District. Mr. Miller said they (he & his spouse) have no objections to the rezonement. He inquired, of the board, if he could ask Mr. Willden a direct question, hoping to put some rumors to rest, but was advised that he could do that in a private conversation, but not as part of the public hearing. As there was no further comment from the gallery, Brandon Yardley made a motion to close the public hearing. Don Noyes seconded the motion. Brady Bradshaw voted for, thus the motion passed unanimously.

Zoning Administrator, Kyle Blackner, reiterated that the subdivision in not being abandoned, that all of the lots, roads and easements will remain in place, regardless of the recommendation concerning the zone change. The difference between grazing w/ supplemental feeding and a feedlot were clarified. Brandon Yardley inquired if the P/Z Board had failed to meet the zoning requirements when they set the conditions on the initial CUP. Mr. Blackner stated that the project valuation, road setbacks and proposed use of the zone were all part of the appeal. Attorney, Von Christiansen, stated that ultimately the Board of Adjustment upheld and imposed additional conditions that both parties agreed upon that night. He then asked what was the purpose of zoning categorization? Mr. Blackner stated that the main reason you have zoning is to determined what uses you want in which areas, like residential zones within and around the city limits and agriculture and multiple use districts in the further, outlying county areas. Von felt that the P/Z Board had discretion of what they wanted in this area. Brandon Yardley felt that the board had asked for guidance about a county plan, but had not received any direction so they are doing the best they can with the info they have. He also stated that he had been to Nick Willden's property and that it was not a junk yard, but a well-kept property with a ranch house on a farm. He is concerned about the attack on agriculture, the rezonements moving away from agriculture and supports this rezonement going back to agriculture.

Brady Bradshaw inquired about the major difference between the two districts for this specific use. Mr. Blackner reviewed the uses and then summarized that grazing was a Conditional Use in a RE-5 District and a Permitted Use in an A-5 District and it did not have the 100 ft. set back from the road and would allow for grazing a larger portion of the land. After further discussion, 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. Brady Bradshaw and Karianne Jarvis were opposed. Due to the tie vote, the motion died. Brady Bradshaw then made a motion to table the item until the next meeting, when more board members could be in attendance and he could do additional research. Don Noyes seconded the motion. Karianne Jarvis voted for. Brandon Yardley was opposed, thus the motion passed 3-1. Mr. Blackner asked if Brady Bradshaw needed information from the P/Z Dept. or if he would be doing his own research. Don Noyes asked if the P/Z Dept. would send both the CUP and Board of Adjustment info, via hard copies, to board members for review.

There was a summary of Ordinance 2022-06 An ordinance amending 9-1-6: Definitions: Reasonable Notice and 9-1-12C: Hearing, Publication and Notice Before Amendment: to mirror county code with new state code. Brady Bradshaw made a motion to open the public hearing. Don Noyes seconded the motion. Brandon Yardley voted for, thus the motion passed unanimously. As there was no comment from the gallery, Don Noyes made a motion to close the public hearing. Brandon Yardley seconded the motion. Brady Bradshaw voted for, thus the motion passed unanimously. Brady Bradshaw made a motion to recommend the County Commission adopt Ordinance 2022-06 An ordinance amending 9-1-6: Definitions: Reasonable Notice and 9-1-12C: Hearing, Publication And Notice Before Amendment. Brandon Yardley seconded the motion. Don Noyes and Karianne Jarvis voted for, thus the motion passed unanimously.

There was a summary of Ordinance 2022-07 An ordinance amending 9-3-1: Board of Adjustment and 9-17-10: Appeal of Decision: also to mirror state code. Brady Bradshaw made a motion to open the public hearing. Don Noyes seconded the motion. Brandon Yardley voted for, thus the motion passed unanimously. Again, there was no public comment, so Don Noyes made a motion to close the public hearing. Brandon Yardley seconded the motion. Brady Bradshaw voted for, thus the motion passed unanimously. Don Noyes made a motion to recommend the County Commission adopt Ordinance 2022-07 An ordinance amending 9-3-1: Board of Adjustment and 9-17-10: Appeal of Decision. Brady Bradshaw seconded the motion. Karianne Jarvis and Brandon Yardley voted for, thus the motion passed unanimously.

CONDITIONAL USE PERMIT:

Roberts' Super Compost, LLC owners, Matthew Roberts and Don Roberts, came before the board seeking a Conditional Use Permit to build a Fertilizer Manufacturing Plant & Storage Facility to produce Organic Fertilizer in Sec.2, T30S, R10W in a Multiply Use District just northwest of Minersville Town limits. They are in the process of purchasing twenty (20) acres of land on which to develop these facilities with adequate loading docks, office space, employee & truck parking, entry & exit routes off of the Thermo Road, etc. The proposed \$1,000,000 project will employ 4-6 people at the facility in addition to those bringing & distributing the raw/finished product. They will begin the process as soon as the CUP and Building Permit have been issued and hope to be up and running in early 2023. Rocky Mountain Power will supply the electricity and they will drill a well for water.

The raw product is obtained from the Smithfield swine barns where they have been extracting the product, from their ponds, for the past thirteen years. The plant will convert the dry product into granulated pellets that make it easier for application, freighting and storage. It can then be purchased in bulk for agriculture or commercial use and will also be bagged and distributed through vendors, like Amazon and Walmart, for individual garden and landscape use.

They are currently selling in the states of Washington, California and Nebraska and have picked up new sales in New York and Pennsylvania. Their product is rich in nutrients and current demand will allow them to use all of the available materials throughout the county which should last them for at least the next ten years of production. There were questions about; labeling of compost ingredients, fertilizer blends, current stockpiling of the product, odor concerns, plant location, etc. A list of regularly imposed conditions were reviewed by the board and applicants. Brady Bradshaw made a motion to recommend the County Commission approve the CUP with these conditions, with the exception of stabilizing the land with vegetation. Don Noyes seconded the motion. Brandon Yardley and Karianne Jarvis voted for, thus the motion passed unanimously.

WORK MEETING:

Mr. Blacken said he would prepare something for the board to review on Vesting Timetables for the next meeting. It was decided that they would table the remaining work items until the other board members could be in attendance. Don Noyes made a motion to adjourn. Brandon Yardley seconded the motion. Karianne Jarvis and Brady Bradshaw voted for, thus the motion passed unanimously.

The meeting concluded at 8:07 p.m.

Minutes approved on _____.

Karianne Jarvis- Chairman