

**Beaver County  
Planning & Zoning Commission  
September 28, 2021  
6:30p.m.**

**Minutes**

Attendance: Acting Chairman, Kolby Blackner, Don Noyes, Karianne Jarvis, Bryan Graham, Brady Bradshaw, Jared Gillins representing the Zoning Department, Von Christiansen as Attorney and Kyle Blackner as Zoning Administrator. Chairman, Drew Coombs & Brandon Yardley were not in attendance.

Visitors: Shane Gadbow & Chris Gonya

Called to Order at 6:30 p.m.

**MINUTES:**

A prayer was offered by Brady Bradshaw and the Pledge of Allegiance was led by Von Christiansen. Minutes from the August 17, 2021 meeting were reviewed. Don Noyes made a motion to approve the minutes. Karianne Jarvis seconded the motion. Bryan Graham and Brady Bradshaw voted for, thus the motion passed unanimously.

**ASPEN CREST PREMIER SUBDIVISION-FINAL PLAT APPROVAL:**

Bowman Asset Management, LLC Co-Owner & Developer, Shane Gadbow came before the board seeking Final Plat Approval of the Subdivision. He had recently provided the board with the remainder of the required documents. A draft of the Final Plat completed by Platt & Platt Inc. Bowman Asset Management, LLC will obtain a Security Bond or complete the paving of the road, prior to Final Plat Approval from the County Commission. Zoning Administrator, Kyle Blackner, clarified it was located in a Planned Unit Development and mentioned the setbacks of 20 feet in the front/rear and 8 feet on the sides will need to be listed on the final plat. Board Members inquired about; proximity to existing developments, nightly rentals, security, road ownership and maintenance, the zoning district, etc. Mr. Gadbow showed where the subdivision was located in relationship to the ski resort and existing subdivision and explained that the road was a private road owned and maintained by the development. He does not anticipate any of these lots to be nightly rentals, but rather spacious cabins for the owners' enjoyment. The company contracts with Beaver County Sheriff's Department for security when they are hosting large events, such as festivals, and a local resident/employee checks on the company owned condos regularly to ensure there are no problems/issues when they are sitting vacant. Brady Bradshaw stated that although he approves of this new development, he had specific concerns about how much water was left for future growth. He asked Mr. Gadbow if he could request/provide a letter from the State Water Engineer defining the amount that Elk Meadow Special Services District has obtained from each water right, (both Yardley and Benson), how much has been assigned, and what is left to allocate for development. Mr. Gadbow said that because the EMSSD was the water authority, he thought the request to the state for that information, might have to come from them. Attorney, Von Christensen stated that it is fine to request the information, but that the State may refuse, as it is the job of the EMSSD to track the distribution of the water.

Mr. Blackner stated that although it is not a condition of/or requirement for the approval of this subdivision, he would contact EMSSD and see if they would request the information from the state. Bryan Graham made a motion to approve the Final Plat Approval for Aspen Crest Premier Subdivision. Brady Bradshaw seconded the motion. Don Noyes and Karianne Jarvis voted for, thus the motion passed unanimously.

As Mr. Gadshaw could see the level of concern Mr. Bradshaw had for water apportionment for the entire Mountain, he said he would make it his goal to assist in requesting and obtaining the information he was requesting.

**WORK MEETING:**

Again, the board discussed the new state law regarding Large CAFO (Concentrated Animal Feeding Operations). Mr. Blackner presented a “Designated Area Map” representing our current ordinance for the board’s review & feedback. Board Members inquired about numbers of animals vs. amount of acreage required, and can an existing animal feedlot of one species later be used for another species? CCAFOs & CAFOs definitions were reviewed. Acting Chairman, Kolby Blackner, is very concerned that the current agricultural trend is moving exclusively towards large, commercial operations only, eliminating the small, individual farmer trying to succeed. A board member inquired if we should table the discussion until absent board members could provide their input. After extensive discussion, Mr. Blackner suggested the board provide several designated area maps to present for a public hearing, at our October meeting. He offered to provide several map options and invited board members to submit their own proposals should they feel so inclined. Following the public hearing we could then make a recommendation to the county commission. Attorney, Von Christiansen, reminded board members to consider and include other criteria such as prevailing winds, utility & transportation access, topography, etc.

Next, the proposed Guest House size/location recommendations were reviewed in greater detail. Mr. Blackner’s feels that the current Secondary Dwelling size/location ordinance is arbitrary and too restrictive in some districts and not enough in others. He suggested the board replace it with the proposed Guest House language. He made an addition to the initial proposal of excluding them in R10k & R12k Districts (Residential 10,000 & 12,000 sq. ft. lots). Board members liked the addition to the proposal and suggested we bring it to a public hearing at the October meeting.

Finally, Mr. Blackner explained the need to create a comprehensive list of the conditions we can impose on Conditional Use Permits such as a Road Maintenance Agreement, Closure Plan, Dust Mitigation, etc. It was suggested, that over the next few months, we develop a list of conditions and then hold a Public Hearing in January 2022.

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

The meeting concluded at 8:21 p.m.

Minutes approved on \_\_\_\_\_.

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Kolby Blackner- Acting Chairman