

**Beaver County  
Planning & Zoning Commission  
October 19, 2021  
6:30p.m.**

**Minutes**

Attendance: Drew Coombs- Chairman, Kolby Blackner, Don Noyes, Karianne Jarvis, Bryan Graham, Brandon Yardley, Brady Bradshaw, Jared Gillins representing the Zoning Department, Leo Kanell as Attorney and Kyle Blackner as Zoning Administrator.

Visitors: Lee Hansen, Cyndi Hansen, Elaine Jessop, Derald Joseph, Linda Joseph, Lisa Hendrickson, Michael Taylor, Mary Wignall, Denise Yardley, Gib Yardley, Michael W. Smith, David Roberts, Evan Allred, Alex Mayer, Ashley Chan, Lore-Beth Chan, Mark Wintch, Steven Yardley, Anthony Bealer, Sid Marshall, Jennifer Marshall and Tyler McCulley.

Called to Order at 6:30 p.m.

**MINUTES:**

A prayer was offered by Chairman Drew Coombs and the Pledge of Allegiance was led by Kolby Blackner. Minutes from the September 28, 2021 meeting were reviewed. Don Noyes made a motion to approve the minutes. Karianne Jarvis seconded the motion. Kolby Blackner Bryan Graham, Brandon Yardley and Brady Bradshaw voted for, thus the motion passed unanimously.

**PUBLIC HEARINGS:**

Zoning Administrator, Kyle Blackner, presented 5 proposal maps for the board and gallery to review. The first four maps were buffer specific to residential districts, city/town limits or a residence. The fifth map showed both the private and SITLA lands outside of the current buffer; some of which with CAFOs and others with the potential for them. Another map, requested by board member, Bryan Graham, showed the existing pig barn sites throughout Beaver, Iron & Millard Counties. He wondered what the required distance between the barns was to prevent the spreading of disease, one barn to another and suggested we use this map to determine if there was room for any additional CAFOs within those areas or if they had met their concentration. Chairman, Drew Coombs & Don Noyes reminded the board that all species of animal are subject to this new State Law and we need to take that into consideration when creating this map. Brady Bradshaw made a motion to open the meeting to a public hearing to receive input on Ordinance 2021-09 Amending Qualifying Regulations: 9-5-6-B to include a Designated Area Map. Kolby Blackner seconded the motion. Karianne Jarvis, Bryan Graham, Brandon Yardley and Don Noyes voted for, thus the motion passed unanimously. Derald Joseph stated that he contacted about 150 people in the east end of the county in 2018, and about 96% were against pig farms coming to this area because of pollution. He feels that the current county code is sufficient and we don't need any more polluting industries.

Chairman Coombs took a moment to explain that the State of Utah is requiring every county to provide a Designated Area Map where all CAFO species are allowed. Lisa Hendrickson asked if the board members would introduce themselves. Following the introductions, David Roberts asked why the need for this new law since the Beaver County Confined CAFO has already been established. Brady Bradshaw clarified that the State Law does not recognize that distinction and they are just CAFOs. David Roberts asked how the grandfather law will apply with current CAFOs. Mr. Blackner read County Code 9-14-10 Nonconforming Use of Land, where it specified that “no such nonconforming use of land shall in any way be expanded or extended either on the same or on adjoining property...or abandoned or changes” and that is why this designated area is so critical. David Roberts reminded the board that limiting the size of the dairy operations could also limit the new Beaver Creamery in their production and sales, thus negatively impact the community. He asked the board to consider how limiting the expansion of family agricultural operations could impact the local tax base and future generations of producers. Tyler McCulley echoed Mr. Roberts concerns and wanted to make sure the board knew that air & water pollution was always on the minds of Ag producers. He asked that we not limit agricultural production for the small family farmer looking to expand. Michael Smith asked who set the species quantities. Brandon Yardley clarified that it was a Federal Standard Number that was implemented by the state, that the state or county did not determine the quantities themselves. Lisa Hendrickson said that Smithfield lobbied the state legislature for these changes and they are owned by Communist China. She reminded the board about the maps geologist, Casey Ross, presented in 2018 and the dangers of water contamination being greater on the east side of the county. She was also concerned about the quantity of water needed to run new hog farm operations, the drop in the water table and the need to consider topography when creating the map. Cynthia Hansen feels so blessed to live in this valley and has lived elsewhere where they were not so fortunate. She feels the current buffer zone was not an arbitrary number, but was based on medical and geological data and the majority of the people she spoke to did not want pig farms destroying our valley. Gilbert Yardley does not want additional pollution and believes the hog farms will do that. He doesn't want them on the east side of the valley, but suggested we keep them on the west side where there is plenty of space for them. Brandon Yardley stated that Smithfield has no interest in coming to the east side of the county and this issue before us comes from the state and will have a larger impact on cattle producers than it will pig producers. Steven Yardley said that the current Smithfield's development plan could change with future management so we need to safeguard against that, while at the same time provide the option to establish & expand cattle & dairy feedlots in the future, so to please take all of these issues into consideration. He confirmed that large concentrated feeding operations of all species were an equally offensive pollutant. David Roberts asked if the county could send a letter to landowner producers asking of their interest to expand in the future. Evan Allred stated that he was a witness to Smithfield production, misinformation, in-house testing, disease, and employee gag orders. He asked if there is an ordinance or can there be an ordinance to protect stateside food sources? He suggested the board consider such an ordinance that would protect the local food source and local producers. Alex Mayer stated that he thinks the focus is too much on the swine and not enough on the other species. He is a third generation farmer that hopes to expand, as well as a first generation Smithfield employee who is grateful for the jobs it provides for so many families throughout the county.

Linda Joseph asked the board to keep the five-mile buffer zone and take into consideration the smell that CAFOs will bring to the communities, adversely affecting our tourism & recreational economy. She asked the board to consider the impact on local residence and their posterity. Michael Taylor spoke of the high concentration of animals near locations of population, with pig farms having the highest concentration of species throughout our county. The volume of animals and need for lagoons have created air, water quality, health, nuisance problems. He suggests that we use all of the new criteria to find a location for CAFOs away from the population and perhaps in smaller concentrated numbers. Mark Wintch said his concern is limiting the number of animals for current operations and preventing potential expansion, both for him and others throughout the county. He asked the board to look to the future when planning and to take all species into consideration.

Kolby Blackner made a motion to close the public hearing. Don Noyes seconded the motion. Brady Bradshaw, Karianne Jarvis, Brandon Yardley and Bryan Graham voted for, thus the motion passed unanimously. As the board continued to discuss the matter, Brandon Yardley stated the need to include other criteria in creating our proposed maps and suggested that we add every existing animal operation, of any size, to the map and assume it will expand. He asked those in attendance to give the board adequate time and suggested that we could come up with a map to satisfy everyone. Chairman Coombs agreed that we should identify all existing operations, eliminating the need to contact landowner producers individually. Brady Bradshaw wants to take all of the criteria into account and create a detailed map to show that we considered the prevailing winds, topography, utilities, etc. Kolby Blackner stated that this law does not intend to hamstring local feed yards/diaries/etc., but the opposite. Chairman Coombs asked Mr. Blackner if he had the resources to create a map showing all existing feeding operations throughout the county. Mr. Blackner said that he did. Kolby Blackner asked Mr. Blackner to bring up the current zoning map to identify the districts. He is suggesting that we could put CAFOs in all MU-20 (Multiple Use-20) Districts and A-20 (Agricultural-20) Districts. Mr. Blackner stated that it had the potential to put them too close to some residential communities. Drew Coombs reminded the board that we impose conditions on each Conditional Use Permit, specific to its use and location, and that if someone is unable or unwilling to meet those conditions it would prevent them from developing. He is suggesting that although prevailing winds were not specifically considered in existing CAFOs, they certainly should be in future ones. Bryan Graham felt we still need to protect the residential communities.

Deputy Beaver County Attorney, Leo Kanell, stated that although he was our legal counsel for the evening, he may have a different set of biases than the county Attorney. He provided a different perspective as he shared an example, from years past, when sexually-oriented businesses were eventually allowed in Industrial Zones because they could not be discriminated against. Leo believes that this new law is similar in nature and not focused on Beaver County, but on all those other counties who have discriminated against CAFOs, so the state is requiring all counties to designate an area for them. He stated that he did not want hog operations on this side of the valley where he lives. Mr. Kanell thinks this law provides Beaver County an opportunity to remove future CAFOs from Multiply Use and Agricultural Districts and simply designate specific areas for them. Extensive additional discussion of prevailing winds, economic benefit, SITLA property, the integrity of the districts and topography continued until Brady Bradshaw suggested that we table this item for further discussion until the November meeting.

In the meantime, Mr. Blackner will work on a map to identify existing cattle/dairy operations.

Next, Mr. Blackner took a few minutes to review the Guest House Ordinance proposal with the board. Kolby Blackner made a motion to open the meeting to a public hearing to receive comment on Ordinance 2021-10 Adopting 9-13-25: Guest House to replace 9-13-4-B: Every Dwelling on a Lot. Bryan Graham seconded the motion. Brady Bradshaw, Karianne Jarvis, Brandon Yardley and Don Noyes voted for, thus the motion passed unanimously.

Lisa Hendrickson inquired what constituted a Guest House. Mr. Blackner clarified that it was a single family dwelling. Don Noyes made a motion to close the public hearing. Karianne Jarvis seconded the motion. Brandon Yardley, Bryan Graham, Brady Bradshaw and Kolby Blackner voted for, thus the motion passed unanimously. Board members inquired of the square footage limitations or lack thereof and the benefits/concerns of them. Examples were provided for both. In Multiple Use Districts and Agricultural Districts, a Conditional Use Permit to build the first Single Family Dwelling would be required. Additionally, if either of the dwellings were to be used as a Nightly Rental or Bed & Breakfast, an additionally CUP is required.

After further discussion, Brandon Yardley made a motion to recommend the county commission adopt Ordinance 2021-10 Adopting 9-13-25: Guest House to replace 9-13-4-B: Every Dwelling on a Lot with the change from maximum square footage in the "No Limit" size to "5,000 sq. ft." in the A-10, A-20 A20-FM, and MU-20 Districts. Don Noyes seconded the motion. Brandon Yardley, Don Noyes, Karianne Jarvis and Brady Bradshaw voted for. Bryan Graham and Kolby Blackner were opposed, thus the motion passed 4-2.

**WORK MEETING:**

Zoning Administrator, Kyle Blackner, provided the board with a list of conditions that have been imposed on Conditional Use Permits. We need to compile a comprehensive list and adopt it, via ordinance. Jamie will send the list to board members for further review, we will put it on a future agenda, then bring it to a public hearing next year. Brady Bradshaw made a motion to adjourn. Kolby Blackner seconded the motion. Don Noyes, Brandon Yardley, Karianne Jarvis and Bryan Graham voted for, thus the motion passed unanimously.

The meeting concluded at 8:41p.m.

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

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Drew Coombs- Chairman