

**Beaver County  
Planning & Zoning Commission  
February 25, 2020  
6:30 p.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: Brandon Yardley, Jay Moyes, Michelle Evans & Lane Tucker

Called to Order at 6:32 p.m.

**MINUTES:**

Minutes from the Jan. 21, 2020 meeting were reviewed. Don Noyes made a motion to approve the minutes with a minor correction. Karianne Jarvis seconded the motion. Kolby Blackner, Bryan Graham, Brandon Yardley and Brady Bradshaw voted for, thus the motion passed unanimously.

Chairman Coombs suggested that we begin our meetings with a prayer and the Pledge of Allegiance and asked if anyone had opposition to it or if we could add it to each agenda. After a brief discussion, Kolby Blackner made a motion that we add a prayer and the Pledge of Allegiance to all board meetings. Bryan Graham seconded the motion. After it was decided that the secretary would rotate board members for these assignments, Brady Bradshaw, Brandon Yardley, Karianne Jarvis, and Don Noyes voted for, thus the motion passed unanimously.

**CONDITIONAL USE PERMIT:**

Brandon Yardley excused himself from the board and came before them, representing Yardley Leasing LLC seeking a conditional use permit for installation of a ground-mount solar system in Sec. 32, T27S, R10W in a Multiple-Use District. He previously had a CUP for this site, but the time limitations had expired, so he was here to apply for a new permit. The power generated will be used to run two wells for irrigation pivots to mitigate their energy costs, through a net metering system. Although the current systems they have previously installed are working well, they have chosen to go with a slightly different set up for this new project, as advances are happening very rapidly in this industry. They are hoping to begin construction of the 1 ½ acre project in March or April and estimate 2-3 months for completion. Mr. Blackner confirmed that this parcel was in a Multi-Use District. Board members had many questions about this project and solar projects in general. Discussion items included potential glare conflicting with the nearby railway, environmental impact studies, possible health issues associated with solar, disposal of panels, etc. All of those issues were addressed by Mr. Blackner and Brandon Yardley and any concerns were alleviated. Board members reviewed the existing Yardley Leasing CUP. Brandon Yardley stated that he does not have a closure plan for the project, as it is his intention to replace the old panels with new ones, once they have reached their life expectancy. Brady Bradshaw asked if these conditions would be setting precedence for future projects.

Board members assured him that we review each application on a case by case basis, and that although the previous locations were in need of all of the conditions, this location was different and they were not all applicable. After further discussion, Kolby Blackner made a motion to recommend the County Commission approve the CUP with the conditions imposed on the current permit, with the deletion of #s 3, 5 & 6. Don Noyes seconded the motion. Karianne Jarvis, Bryan Graham, and Brady Bradshaw voted for, thus the motion passed unanimously. Brandon Yardley rejoined the board.

### **CONDITIONAL USE PERMIT:**

Lane Tucker, co-owner of Tucker High Adventure Tours came before the board seeking a conditional use permit for a retail/rental/repair shop, in the existing building, for their outdoor adventure equipment & activities business in Sec. 13, T29S, R7W in a PUD District. He is currently leasing the property with an option to buy, in a year's time. Mr. Tucker will be adding a 20x40 metal accessory building on the premises to use as a shop/storage of the rental equipment. Board members reviewed the previous CUP issued for this property. Kolby Blackner inquired if there was a zoning issue. Mr. Blackner stated that there was not. The majority of the parking lot has recently been covered with asphalt. Hours of operation are likely going to be 8am-6pm. Side x sides will leave directly from the rental shop and access ATV trails in one of two directions. Brady Bradshaw inquired about exterior lighting issues. Mr. Blackner stated that he will need to have adequate lighting for life safety purposes and they will be addressed with the building permit. Mr. Tucker stated that the metal building will have lighting and the main building will have signage. Don Noyes made a motion to approve the CUP with the previously imposed conditions, with specific changes to #3; the deletion of asphalt and the addition of signage. Brady Bradshaw seconded the motion. Karianne Jarvis, Bryan Graham, Brandon Yardley and Kolby Blackner voted for, thus the motion passed unanimously.

### **PUBLIC HEARING:**

Mr. Blackner reminded board members that Ordinance 2020-03 was simply the second part of the mountain rezonement process. They had all agreed, at the January meeting, to add the permitted uses before taking the rezonement recommendation to the county commission. Kolby Blackner inquired if it was necessary to add the "excluding swine" portion to the Forest Recreation District, as he felt it had just been continually added from other districts within our code. Karianne Jarvis said there was a reason that it had been continually added. Bryan Graham felt the language was a safeguard. Brandon Yardley felt it needed to be included to protect the neighboring landowners. Kolby Blackner made a motion to open the public hearing. Don Noyes seconded the motion. Brady Bradshaw, Karianne Jarvis, Bryan Graham and Brandon Yardley all voted for, thus the motion passed unanimously. Jay Moyes mentioned that he was a proponent of the additional uses in the Forest Recreation district, supports the recommendation and appreciates the changes that were made in response to the comments at the January Public Hearing. As there was no further public comment, Brandon Yardley made a motion to close the public hearing. Karianne Jarvis seconded the motion. Don Noyes, Kolby Blackner, Bryan Graham and Brady Bradshaw vote for, thus the motion passed unanimously. Brandon Yardley made a motion to recommend the County Commission adopt Ordinance 2020-03: the addition of permitted uses in Forest Recreation and Multiple-Use Districts, as he felt it was a clean-up/house-keeping that should have been done years ago. Bryan Graham seconded the motion. Karianne Jarvis, Brady Bradshaw and Don Noyes voted for. Kolby Blackner was opposed because of the "exclusion of swine" language, thus the motion passed 5-1.

**WORK MEETING:**

Mr. Blackner showed a brief video from the State Land-Use Ombudsman, Brent Bateman, and then provided the board members with some additional training. We discussed administrative roles, conflicts of interest, general plans, land-use laws, etc.

Brandon Yardley inquired about the Finch Trucking Conditional Use Permit. Mr. Blackner brought the board members up to speed on this issue. At this time, Mr. Finch is only allowed to work on his own trucks in his shop. He has a CUP for truck parking, drilling a well and a feedlot for 25 cattle. Currently he is parking trucks and has put some cattle in the feedlot. He then explained what the term “spot zoning” really meant (granting a zone change with the specific intention of receiving something in return) and how new neighborhoods/developments are created with residential and commercial districts co-existing as they continue to grow. Attorney, Leo Kanell, explaining that we try to encourage residential growth and small scale commercial close to the cities/towns where the infrastructure/utilities are readily accessible, then build out from there.

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

The meeting was concluded at 9:10 p.m.

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

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Drew Coombs- Chairman