

# Jefferson County Planning & Zoning Oskaloosa, Kansas

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## OFFICIAL

### OFFICIAL MINUTES OF THE JEFFERSON COUNTY PLANNING COMMISSION

#### Minutes of Planning Commission Meeting of March 28, 2016

**Item 1. Call to Order.**

**Item 2. Approval of the Agenda**

*CHAIRMAN SCHERER CALLED FOR THE APPROVAL OF THE AGENDA. VICE CHAIR JOHNSON MAKES A MOTION TO APPROVE THE AGENDA AS PRESENTED. COMMISSIONER WHITE SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	---	Aye

The motion carried unanimously, 3-0.

**Item 3. Roll Call**

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
Present	Present	Absent	Present	Absent	Present	Present

Staff Member Sam Henderson, Zoning Administrator and Erin George, Planner I, were also present. Commissioner Finley arrived prior to the beginning of the public hearings.

**Item 4. Approval of the February 22, 2016 minutes.**

Chair Scherer asked if there were any corrections or additions to the minutes and mentions a few minor corrections.

**Action:** *COMMISSIONER WHITE MAKES A MOTION TO APPROVE THE FEBRUARY 22, 2016, MINUTES AS PRESENTED, COMMISSIONER NEWMAN SECONDS THE MOTION.*

Votes were taken by Ayes and Nays as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	---	Aye

The motion carried unanimously, 3-0.

**Item 5. Public Hearing**

*Chairman Scherer opened the public hearing.*

**DP2016-01:** A request to amend CU1974-04 for additional storage buildings, cabins, and other structures at 5927 Slough Creek Rd, Perry, KS, at the request of Lori McNish.

*Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.*

*Mr. Henderson presented the staff report for DP2016-01.*

*Chairman Scherer asked for questions of Staff.*

*Vice Chair Johnson:* So, we're just talking about the '74 Conditional Use Permit?

*Mr. Henderson:* Right.

*Vice Chair Johnson:* So, this doesn't impact anything on the campground or on the convenience store?

*Mr. Henderson:* Right, this was in the area that was most closely related to the 1974 area for the storage. It would add some additional cabins, or the ability to put some additional cabins in that location on the larger part of the property to the north of where the current campground spots are located.

*Vice Chair Johnson:* And you said the convenience store has an apartment with it?

*Mr. Henderson:* I believe so.

*Vice Chair Johnson:* Was that part of the conditional use at that point?

*Mr. Henderson:* I don't believe it was part of the conditional use, however it is a residential property so a residence would be a use that would be permitted on the property.

*Vice Chair Johnson:* And when you say that KDHE is the primary regulator of, so are we talking about a lagoon system here?

*Mr. Henderson:* Yes, it is a lagoon system. I believe KDHE regulates it instead of the County because it's more like a public system than a private lagoon because of the camping.

*Vice Chair Johnson:* So, if you include a pavilion and cabins and all that, that will be tied in to that lagoon system?

*Mr. Henderson:* The applicant may be able to address this more directly, but I don't believe there is going to be any wastewater facilities in the cabins. They would use any existing facilities.

*Vice Chair Johnson:* My last question is, and looking at the packet here, the letter on the road condition on Slough Creek Rd was from April 4, 2013, have we had any

*Mr. Henderson:* The conditions on the road have not changed since that time, so they just forwarded us that letter.

*Vice Chair Johnson:* So, Jefferson County Road Department didn't check to see if that was still the status?

*Mr. Henderson:* A lot of times if conditions on the road haven't changed they'll just send us an existing road authorization letter.

*Chairman Scherer:* Other questions for staff?

*Commissioner Newman:* Can you show where the lagoon is? Is that it right next to the SR, is that where it is?

*Mr. Henderson:* I believe that is the lagoon the lagoon here, is that correct?

*Applicant:* There's 2.

*Mr. Henderson:* Where is the second?

*Applicant:* Right there below it, there's one bigger and one smaller.

*Mr. Henderson:* There's a smaller one here.

*Commissioner Finley:* Is that a body of water there?

*Mr. Henderson:* Yeah, that's a pond.

*Commissioner Finley:* No, to the north east?

*Mr. Henderson:* No, that's just a burned field.

*Chairman Scherer:* Other questions for staff at this time? I have one, what happens to the conditions on the 04?

*Mr. Henderson:* On the 2013-04? If they are doing car sales and it wasn't apparent to staff then it would remain in effect, but if it expires then that permit is expired and those conditions applied to that.

*Chairman Scherer:* Those are odd conditions for that particular use. Other questions for staff?

*Seeing none Chairman Scherer opened the floor to the applicant for a presentation.*

#### **APPLICANT PRESENTATION**

*Applicant:* I don't really have anything to say. I'll answer any questions that you might have.

*Chairman Scherer:* Okay. Do we have any immediate questions for the applicant at this time?

*Vice Chair Johnson:* Well, I'll start with the used car sales.

*Applicant:* We don't do it.

*Vice Chair Johnson:* So, you don't have any problems with that going away then?

*Applicant:* No, in fact I knew that if you didn't do it within a year that it went away. Actually, I didn't even know that we had to do this. I thought this was all taken care of from when I did this in 2013. So, when I went to get our building permit to build this building I didn't realize that it wasn't in our conditional use permit to have, for each storage building that we wanted to build. So, that being said, I thought well I might as well do a long-range plan instead of having to keep coming back every few years.

*Vice Chair Johnson:* And are you going to tie the cabins into any septic system?

*Applicant:* They really, cabin is kind of a big stretch. They're just a little small 10 by 10 building that has a porch on them and they have two beds and an air conditioner and then we have a bath house that they can use to shower and to use the restroom that has been there for many, many years. Its right where the swimming pool is that will be filled in.

*Chairman Scherer:* Other questions for the applicant at this time? We may well get back to you.

### **END APPLICANT PRESENTATION**

### **OPEN PUBLIC COMMENT**

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer asked if there was anyone that wanted to comment on the application and seeing no one closed the public comment portion of the hearing

### **CLOSE PUBLIC COMMENT**

*Vice Chair Johnson:* I may have a question for staff. Does the County get, I mean how often does KDHE monitor or look at this waste system.

*Mr. Henderson:* I don't know what KDHE regulations are.

*Commissioner White:* KDHE usually has an annual investigation of any lagoon they're licensed for. That's what it was when I was director over in her community at Lakeside Village, they have an annual inspection and they rate them every time they inspect them.

*Mr. Henderson:* That was my understanding as well, but I don't know the regulations, and I imagine that those records if they're kept at the county at all would be with the Health Department.

*Vice Chair Johnson:* So you don't, the Planning Office doesn't see those?

*Mr. Henderson:* No, sir.

*Chairman Scherer:* Other questions or comments?

*Vice Chair Johnson:* I have a question, so, could they put out 30 cabins?

*Mr. Henderson:* They have requested for 5 on the site plan and so if they wanted to add onto that it would require an additional amendment to their development plan.

*Commissioner Finley:* How would those cabins be regulated? I mean as far as would they be treated like a motel?

*Mr. Henderson:* No, we would require them to have a building permit for the cabins but as far as I'm aware the county doesn't have any bed taxes for any existing motel/hotels they operate as a campsite and I think they have a couple there currently. I'm not sure if the County did adopt a bed tax if that would apply, I'm sure that would be something for her to argue with whoever tried to enforce that.

*Commissioner Finley:* I was mainly wondering about duration of stay.

*Vice Chair Johnson:* Another question for staff, so what triggers a, what would be a serious increase in traffic relative to this site? Is there anything with this many more cabins a pavilion and that, we just wait until it becomes onerous?

*Mr. Henderson:* Yeah, I would imagine that if we receive complaints about traffic on the road and people not being able to get down to Slough Creek Park, that would be, as far as I'm aware it's not a very heavily trafficked road except for maybe some weekends in the summer time with folks getting down there to load off their boats, but no.

*Chairman Scherer:* Miss McNish, do you have any idea of the estimate of how much, how many additional visitors you expect to see?

*Applicant:* I do not. Most of the people who stay with us or store with us, not all, but I would guess 75% are going to Slough Creek campground anyway and they store their boats or their campers with us because we're 1 mile from, and they have to go right passed our facility to get to, Slough Creek Campground. So, I can't imagine that it would increase 10% maybe, I don't know. Something like that.

*Mr. Henderson:* This is also a development plan that she has projected out over about 20 years is what she stated in her request, so it's not things that she plans to upgrade immediately all at once. She specifically didn't want to come back every time she wanted to build a new storage building or cabin that wasn't in any existing development plan, which, we really didn't have any development plans. This was a conditional use from the 70's and also the one from the 80's for camping we don't really have a development plan for that either. So, basically what she is doing is providing a long range development plan for the site so that she doesn't have to come back in 4 years, or 5 years, or 2 years whenever she has demand for more storage or maybe another 2 or 3 cabins.

*Chairman Scherer:* That probably explains the condition about the special events being on the used car lot. Do we have any concern about losing that particular limitation?

*Mr. Henderson:* As far as I'm aware we have not had any special event permits and the ones that would be the traffic generators would be the Type 6 and the fireworks types events anyway. The other special events; Type 1 are for charity fundraisers, Type 2, 3, and 4 are more for like temporary signs, which are covered in the sign regulations so I'm not really sure why they're in the special events section of the regulations because a sign permit is \$15 and a special event permit is \$100. The other type 5 event is for seasonal sales like Christmas tree lot or farmer's market, that type of thing. So, really, the heaviest traffic that would be associated with any of the special events again will be the fireworks sales which would generate a lot of traffic over the 4<sup>th</sup> of July holiday weekend and/or any kind of entertainment type events like if she wanted to throw a concert out there or have a fair or something like that.

*Chairman Scherer:* Well, I sort of mis-spoke, because if I remember, and my memory is not real good, but we did this for her rather than for us. That is, she wouldn't have to come in and get applications for the smaller events

*Mr. Henderson:* If you wanted to recommend a condition, I wouldn't, I might base it on expected participants or expected customers rather than a type of event just because that event and requiring her to get a permit for a Type 6 event she'd still, if she wanted to do any type of entertainment she would have to come in and get that whereas if she was doing an event that she expected to have 100 people to promote the opening of her store or something like that during the summer time and she was giving away prizes or something like that that might be considered a Type 6 event depending on what was going on there. A lot of the other event venues that have been through the Conditional Use Permit process have had a limit on the number of guests as opposed to a type of event that have been allowed.

*Chairman Scherer:* Other discussion or is somebody prepared to make a motion?

**ACTION:** VICE CHAIR JOHNSON MAKES A MOTION TO RECOMMEND APPROVAL OF DP2016-01 BASED ON STAFF'S FINDINGS. COMMISSIONER WHITE SECONDS THE MOTION.

Votes were taken by Ayes and Nays as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	---	Aye	---	Aye	Aye

The motion carried unanimously, 4-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

**DP2016-02:** A request to amend CU1988-04 for additional structures at 8602 Kingman Rd, Ozawkie, KS, at the request of Wayne Pancoast, Jayhawk Area Council CEO.

*Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.*

*Mr. Henderson reviewed the staff report for DP2016-02.*

*Chairman Scherer asked for questions of Staff.*

*Vice Chair Johnson: Can you increase, or magnify the 10 homes that may be affected by traffic along the route?*

*Mr. Henderson: Yes. So we have a home here, some agricultural buildings here then there's a home here, and here, and this is on Kingman Rd. There's a home here on the south side of 90<sup>th</sup> St., here, here on the south side of 90<sup>th</sup> St, here, here, here, and then here. This is a 4-H building and there's another residence here and then this is the entryway on Kiowa for that back 40 for the scout camp. There are some more residences off the road, actually it looks like just one, there are more lots here but I guess they are owned by those property owners and these front onto Kingman Rd. here, those are the residences that would be directly impacted.*

*Vice Chairman Johnson: And what does it mean that their conditional use in 2003 just expired due to inactivity?*

*Mr. Henderson: Again, that's the provision where if they make a request and it's approved if they don't have those activities for the space of a year then it would expire and in their case also they did not meet the requirements that were placed as a condition on the request to do the dust control. They had some dust control requirement along Kingman, and 90<sup>th</sup> Street and Kiowa Rd. around the residences to try and reduce some of the dust that would be generated in their direction and since that condition was not met that use then does expire.*

*Chairman Scherer: Other questions for staff?*

*Seeing none Chairman Scherer opened the floor to the applicant for a presentation.*

#### **APPLICANT PRESENTATION**

*Applicant: I'm Wayne Pancoast, I'm the Scout Executive for the Jayhawk Area Council, I reside in Topeka 7744 SW 28<sup>th</sup> St, but representing of course our property here at the camp. Our camp ranger, Jason, is here and he resides at the camp. Just to kind of step back on that 2003 permit the plan at that time was to take that 40 acres and to develop an entire camp up on that property that would have included numerous camp sites a swimming pool, a ton of activity, and that was that particular permit and at the time it was decided and we were expecting around 150 vehicles going on a weekly basis on that road at that time which obviously would have created a ton of dust and that was one of the things that was one of the main concerns of the neighbors, and rightfully so, at that time. We've since abandoned that concept. That's why we didn't use the 2003 permit because we decided to take those activities and move that back into our existing, inside our existing programs and quite frankly it helped us. I look at that and I actually thank the commission and the neighbors that expressed concerns about that because quite frankly that particular site if it would've been developed to that degree it would have been very difficult for us to maintain security and every teenager in the county would've found that place. It's a nice little place to go. So, ultimately it ended up being a better situation and that's why we did not, we let that permit go and just ceased that production. As was mentioned earlier and Sam mentioned this, too, we were working off building permits and building some of the existing structures it was suggested that we do a development plan and think out farther in advance and that's what we did. It was well received by my executive board because we should have a development plan for our camp. We shouldn't be going on a year-to-year basis anyway so thank his suggestion to do this. This is where this has come out of. We're looking 10-15 years down the road as well as the other person that was here previously and our plans for that 40 acres right up there has to do more with as was mentioned lower impact uses. If we bring groups up it's going to be on buses, not all individual cars, but it really provides us a service access to that back side of the property. It's where we have emergency vehicles issue or something like that we can get in that way into the back portion of our program areas just below that 40 acres we have our high ropes course and the ability to get services back there immediately would be better than driving all the way through the camp if someone is injured or hurt we can assess them easier right now that, there's a road, there's a dirt path, a cattle path that we follow with vehicles but as soon as it rains a little bit it's all clay and so we need to formalize something to get access to that anyway and we thought if we're going to do that we might as well think farther in advance. The other buildings and everything that we're looking at in here the blues are the current things we're doing the pinks are future long term, if you notice all that stuff in the 40 acres is future,*

down the road, the main things we're looking at doing and there's a number of different items and I can answer questions independently on those. The main one is that we're wanting to put a maintenance building in our maintenance area we tore out 2 old rail cars that were in there and they were a terrible eye-sore we purchased some additional equipment for camp and we need a place to put them under shelter to keep them good and that's a part of what that maintenance building would be. And our maintenance area, do I need to point where that would be? I can do that, it's right in this area here. Have it matching up with the existing buildings not right along the road but across the maintenance area from that. The other thing is we're still going to be using our gateway so we're putting in, I'm not sure if that needs to be a part of the discussion, it's interior and basically we've had vehicles driving back to areas we want to control and that's more for safety for the kids. I'm trying to reduce the amount of vehicles driving in the campsites. So the kids can be safe when they're walking. We're going to put a porch of one of the new buildings so people can gather there so it's a deck. We're going to be building a series of tree houses which are basically elevated platforms for tenting so the kids can get a little bit up off the ground and have that experience. Also some platforms for teepees so that we can put some teepees up there for more camping opportunities and then a program shelter on top of the storm shelter that we built so that we can utilize the top portion of that. It is accessible from the above side by the slope of the hill and we want to make that more accessible program area and let me see here I think that's the majority of the immediate ones, I think. Future ones ultimately we've got a shower house on this section of camp and right now it's a gang-style shower and those days are passed us. We need to be more individual compartments and so we're looking at, and also we have a separation of youth and adults and so right now we've got one shower building that's got youth on one side and adult on the other and they're two gang spigots so that particular structure isn't big enough to subdivide so we're going to put, when we look down the road when we get funding, to put another building right there so that we can have a youth building and an adult building for separation of youth and adult and then there's an existing platform or cement pad here that used to be a storage building that we said you know if we ever need additional storage that's a good place to put one on the existing pad. It may be a program shelter, it may be a storage, we haven't decided yet and then back on the north 40 we've got our high ropes course right in this area and the ability to put maybe a program shelter so that we can have some instructional areas, we're using carpports and they're working but if you look down long term that could be a place for a shelter and then if we build that access off of Kiowa Rd. a turnaround for the buses we put maybe a shelter there just so as the kids get off the bus we have a place to receive them. It'd be just an open air pavilion. It wouldn't be any, no utilities back here. None of the structures except for the future day of the shower house, but all of the rest of them have no water or sewer issues at all and only a couple of the have any electrical issues. We've even decided that we're going to add a transformer into the maintenance area so we can separate that from the main camp.

*Chairman Scherer:* Do we have any questions at this time for the applicant?

*Vice Chair Johnson:* Do you have an average number of cars that you are thinking of that impacts the site or if you go to buses how many that would be and thinking out in the future you obviously have projections that all of that is going to grow?

*Applicant:* The long term plan is right now what we'd be using this property for is day camps, so it would be daytime usage not weekend overnight usage. What I'd like to do, we've got, we're using park district grounds things like that in Topeka to do day camps and I would love to have an opportunity to have the kids meet at our office, the parents drop them off there put them on a bus, bring them up and then run those programs right there so that way when a kid comes up for a day camp he's got experience here, when he comes back for the resident camping with his parents he's experience here and when he comes back to boy scouts as older scouts he's got experience here. So 3 different experiences. So, we're talking basically 2 buses, 50 passenger buses, 100 kids approximately is what we'd be bringing up to that and having the buses coming in the morning and then our plan is to work with the USD501 in Topeka to have those drivers stay and then at night take them back and so we'd be, we're talking you know gather in Topeka so the parents could drop them off before they go to work bus them up here so we'll say 8:30 and then by about 4:30 have them loaded up and take them back so the parents can pick them up after they get off work. That's the plan so, we're talking a couple of buses. Other than that it may be a service vehicle or something like that that may come around or a lot of that will be coming through

the camp so, to use this property here for anything more than just that short term or that daytime usage of things to put a bunch of facilities back there as I mentioned earlier would be a terrible burden on our neighbors to have to watch our property for us, with all those facilities, I don't think that's fair. So, we really want to have our facilities up where our ranger can see them.

*Vice Chair Johnson:* And then how many cars into the, you know

*Applicant:* The main camp? Most of those cars will stop right here at the parking lot and not go any farther and you run, we have the kind of thing with Boy Scout Troops, the older scouts they come in in groups and the parents they bring them and then they leave that Sunday and they stay for the week. With the younger kids the parents come and they bring everything but the kitchen sink with them when they come on a campout for 2 days, but all those the capacity of our parking lot here handles all that and this addition of this wouldn't affect that at all. Really it's not adding to our capacity of campers. We run about 200 campers for the Boy Scout weeks and then for the Cub Scout programs we run about 150 for those. It's just getting them different things that they can participate in with the different types of camping other than just tent camping; teepee camping or treehouse camping and the maintenance area, the building there is mainly designed for our own infrastructure. We've bought a skid-steer and bought a tractor and they're sitting out in the elements and we don't want that. We want to put them under shelter.

*Vice Chair Johnson:* So, for 150 kids you're probably talking 50 cars?

*Applicant:* Oh, yeah, in here yeah. Those will never make it over here. They'll stop right at our corner and there's no residence to that point on that road. We're the first residence on that road. So yeah, 50-60 cars I would say is what we see in our parking lot on a weekend activity. But yeah, we, one of the advantages of having that use permit with the dust mitigation making it not as functional is that stuff happens here now we park them here and we bring them in through the camp to those, to their, sites. We load their gear into a trailer on the back of a truck, take that up the road and bring that in. We've got a shelter up the road we drop them off at, the families walk through get their gear, set up their sites. So, it's really made us think and feel the spark of what we're doing.

*Chairman Scherer:* Any further questions at this time?

*Commissioner Finley:* I just wanted to confirm that you said there wouldn't be any additional sewage capacity?

*Applicant:* When the day comes that we've got the funding for that second shower then that would potentially, but it's really more of a dividing of the, right now they're cramming into this shower facility and this one right here it was mainly spread because our numbers of campers isn't going to increase they're just going to be more functional. I don't see a huge impact of that and we have the capacities to handle it back here in our lagoon.

*Commissioner Newman:* So, I was a Boy Scout. I'm not familiar with your camp. I wasn't in your guys' council. I'm more like Bartle, Nash kind of guy. How's your camp like that?

*Applicant:* We're much better than them. I would probably say a comparison to Nash is probably a little better comparison of our property. We don't have the raccoons they have, because they're getting encroached by civilization and we've still got a nice primitive camping area. A significant part of our property is still forested and I think that's an advantage but I mean as far as the programs we offer, very similar. We've got the rowing canoes, swimming, archery, we've got rifle shooting, black powder guns, we've got the high ropes course and your standard program areas, so very comparable, your standard summer camp.

*Commissioner Newman:* And then the north part you said was like 2 day camps for Cub Scouts?

*Applicant:* Yeah, we've got what we call our Cub Scout residents camps and those will be either a 2 day 1 night or a 3 day 2 night experience for grades 1-5 and once they get into the 5<sup>th</sup> grade and on up they go into the week long camping grades 5 up to age 18 we do have some coed programs age 14 to 20 year old coeds and that's the part of our thing of some of our adjustments is we've got to not only account for separation of youth and adult but coed separation, too. That's caused us to think the shower facility that we've got up here in this section of camp is all individual stall entries also for Cub Scouts the thing we learn is the Cub Scouts, the younger kids, want to camp just as much as the older kids, not all the parents are ready to go to the primitive camping sites. We've got the flush toilets up there and some of those things to ease those parents into camping. Not everybody has a tent in their garage anymore like they used to.

*Chairman Scherer:* Other questions?

*Commissioner Finley:* I have one more, this might be for staff or for you. I'm wondering how dust control happens. Is that something that contracts with the County or is that something that Jayhawk Council would do?

*Mr. Henderson:* Yeah, so, how the Road and Bridge Department does it there is a 3<sup>rd</sup> party that they work with that the applicant would contract with. They have a chemical that they can apply. Also, in other cases and I don't know if it would be more appropriate here they would probably discuss it with Road and Bridge, but they can also spray water down on the road the day of the activity, you know the day of the use, if it was going to be on say a weekend and wasn't a consistent every day thing that might require the chemical application they might be able to apply the water, but again that would be something that we would probably, if that's a condition, have to direct them to work that through with the Road and Bridge Department.

*Applicant:* At the time that was decided in 2003 it was deemed that the cost of that was going to be so prohibitive that it made that not practical and as I mentioned earlier that's what made us rethink the plan and see what we could do over here. I just have a personally, we've got 40 acres here that is becoming a cedar farm and I'd rather do something with it than let it just become an overgrowth eye-sore and so we had to think of activities to be able to use that even if it's a situation where we have some what we call outpost camping where we take some scouts up there and do just an overnight under the stars, the ability to have access to that area incase storms kick up or whatever would be very advantageous and if we're going to look at that and look at future development then that's a possibility. I can't say that the day camp concept is going to take hold in the next 5 years I don't know. I just think that as we mentioned before if we're going to look at these things and try to be more proactive in our thinking let's put it on there and make sure that we've got it. But I can tell you that the dust and that's the only reason why we're looking. I know that 150 cars is not going to work here for dust issues, can we do something different that makes it less of a nuisance because we want to be good neighbors.

*Commissioner Finley:* So you would feel that dust control would still be cost prohibitive for you?

*Applicant:* Oh it would be. It would cause us, I mean this would not happen if we've got to put that dust control down, what was the rough cost?

*Jason Biggs:* About \$12,000.

*Applicant:* Yeah, about \$12,000 a year. That's a lot of tents for kids. I mean, to be able to improve other things. It just would not be a feasible expenditure.

*Chairman Scherer:* Other questions at this time?

*Commissioner Newman:* I would have a question for staff. They had said that they had to work on the second entryway if we decided, what would need to be done?

*Mr. Henderson:* Usually that involves some kind of pipe culvert. The applicants purchase the material and the county performs the work.

*Commissioner Newman:* That's what I thought, I just wanted to make sure.

## **END APPLICANT PRESENTATION**

### **OPEN PUBLIC COMMENT**

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

*Judy Mock:* We live on that little corner up there at 90<sup>th</sup> and Kiowa and as it was explained to us, I don't oppose it, but when we were here before there was a question of how many service vehicles came in there with 130 kids or so there's got to be a lot of supplies that come in there, too, and different trucks and that was addressed at the last because they were going to put the trucks in there. The way it was before the emergency vehicles could come in and out of that entrance which is great, but I would kind of like to know how much traffic from the trucks and the other things that would be supplying that day camp.

*Chairman Scherer:* We'll get back to you on that.

*Commissioner Newman:* May I ask, when you speak on last were you in opposition in 2003?

*Judy Mock:* Yeah.

*Chairman Scherer:* Is there anyone else who wishes to speak in opposition to the application?

*Duane Heston:* I live at 8923 I don't know if I can say I'm in opposition, I just want to voice some concerns I have. Where they're putting that new maintenance shop it would be nice if they could make a better exit to get out onto the county road because right now they're swinging clear out and just about broke my fence across from their drive and then the other concern is up there at the corner of 86<sup>th</sup> and Kingman where they go straight into their camp that's an accident waiting to happen. I mean because the cars come out of there, they don't stop, they've got a stop sign, they've got a speed bump but I think that it needs to be addressed somehow to change that. I don't know the answer to it but I know the way it is. A while back I was driving down that road, I've got a little tractor, and I was just about to make that corner and here comes a car and it passed me going into that camp and I thought, I could've been killed right here. Those 2 concerns got me.

*Chairman Scherer:* Sam, could you show us?

*Commissioner Newman:* Could you show, yeah, where he's talking into their camp?

*Mr. Henderson:* So here is 86<sup>th</sup> Street. This is their main entrance, 86<sup>th</sup> Street turns into Kingman here.

*Duane Heston:* I think also people don't acknowledge that's a county road going to the north.

*Mr. Henderson:* And then there's another, there's a service entry further up.

*Duane Heston:* We talk about safety for the kids, you know I'm all for the kids, don't get me wrong.

*Mr. Henderson:* Yeah, so I think the first comment was about the service entry, how they're maybe pulling out and getting close to his fence and then the second comment involved the main entrance here. So, 86<sup>th</sup> Street comes off of Ferguson Rd. and is a straight shot and then it turns pretty abruptly and runs into the campground and then Kingman Rd kind of comes off that. You might turn to your staff report and the pictures at the end of the staff report here, the first one is a view here's the main entryway and here's the lovely county vehicle and the caretaker's facility and this right here is the turn where 86<sup>th</sup> Street turns into Kingman Rd. and so this is the parking lot they were referring to earlier, and this is another entryway they have on Kingman Rd. to their property, this is 86<sup>th</sup> Street here turning into Kingman Rd. on this end. These are two different photographs that's not a panoramic there, and so this is the field there on the north side of 86<sup>th</sup> and the west side of Kingman right here and then this is Kingman Rd. it takes a curve here and I would be standing in that entryway looking north and this is the Kiowa Rd. entryway as it currently exists and this is the view from the Kiowa Rd. entry. This is Kiowa and this is north of, the entryway is here and this is north of the entryway.

*Chairman Scherer:* Thank you Sam. Is there anyone else who would like to speak in opposition to the application?

*Dale Heston:* I live at 10955 90<sup>th</sup> Street and again, like Duane, I'm not saying I'm for or against, I have a question to you guys really. Wayne's made a good presentation and I'm okay with it at this point, but like he said if they do it in 5 years somebody may take his place, where do we stand and what do we do if the 2 buses is not what happens? Okay, down the road what would we do as a residence if they turn it into 150 cars just like that? Do we come back to you guys or I need some direction here.

*Chairman Scherer:* Well, I've got an opinion and I'll just let anybody else speak if they'd like. I think that's one of the things that is an issue for us. If there is some sort of condition to be placed on it or something else otherwise it would have to come back.

*Dale Heston:* Okay, that sounds good. Like I said Wayne's presented it and he really has done a good job and the 2 buses at this point really would not bother me. I just wanted assurance down the road what we would need to do if something changed. Because Wayne might go to Nebraska or Alaska to do a job, we don't know. Thank you.

*Chairman Scherer:* Well we'll see this evening what we end up doing, but that would be my thought. Of course I have no vote. Is there anyone else who would like to speak in opposition to the application?

*Gaylene Morgison:* I live at 8872 Kingman Rd. I'm not speaking in opposition, but Jason's going to kind of show me here where my property, this is where the camp is at and I'm right next to it.

*Jason Biggs:* Yeah, you're right here.

*Gaylene Morgison:* Okay, so I'm right next to it. They have done a very good job at keeping people they have transported all the goods and whatever the people need to camp there, they no longer park in my ditch. They don't park in the spring that's flowing up everywhere. They've done a very good job, but what I was wondering what's new on the map? Is the blue? And you're just doing

*Jason Biggs:* The blue that's in the tree line. This here divides us from you and we're attempting to keep that as a buffer so that we can, so that you don't have kids.

*Gaylene Morgison:* Okay, because I don't see all the corners. They have done a very good job at keeping the traffic off our road and hauling the goods down there. My main concern would be in the future, because I plan on living there the rest of my life, I don't plan on going anywhere and I'm kind of with Duane, but my biggest problem would be the

maintenance exit, where the trees and they kind of pull out and don't see you. That would really be, in the corner is bad, especially during camp, but yeah. I have no opposition other than like Dale said in the future.

*Chairman Scherer:* Thank you, is there anyone else who would like to speak in opposition to the application? And I'll ask one last time if there is anyone who would like to speak in regard to the application? Would you like to respond to what you've heard?

*Applicant:* Sure, I'm trying to keep them on my fingers. When you get above 3 it gets dicey here. The first thing would be the concern about the service vehicles. That's a valid concern, something I didn't explain, those service vehicles and everything was when we were going to put a full dining hall service back here. We're not doing that. What's going to happen with these day campers is that they're going to be bringing sack lunches and so that whole issue, and also there's not going to be a pool back here so there's not going to be any issues with servicing that. Trash service is not an issue back there. We're not going to have any dumpsters back there. That's one of the reasons why we looked at this differently is that we've got to reduce traffic. That's a big thing, so that's the one thing I'll say is that the service if you will is going to be mainly ranger, a couple vehicles maybe with a trailer but it's really more of a I want this to be more of a light impact area and more of a primitive style kind of thing, so that's the answer to the services. One of the other questions was the issue here with the traffic coming in on our corner. One of the things that we are doing, he had shown that gateway earlier that part of this plan is to have the gateway more toward that corner that's going to then one serve as a way of blocking off our parking lot so that we can control traffic in and out, we talked with roads already to make sure that we are behind the setbacks and make sure that we've cleared that with them, but it's also then going to be something that people have to drive through to come out which is going to cause them to take a pause because they're not going to have just this what appears to be an open site it's going to cause them to have to take a stop to come through that gateway. So, I think we're going to help control that because that is a concern of mine. Also, the thing that's going to help on the opposite sign for the people that tear down that road and try to come sideways through that spot when they see something that big closer it's going to cause them to take a pause, too. I'm hoping it's going to work both ways. One of the things that I'll be, the maintenance area, that entrance there and that's something Jason and I actually talked about a little bit earlier is that we want to talk to Roads and see if we can widen that a bit coming into that spot so that we don't have to have the food trucks and everything take that big hook and come in. We've just got, we hadn't asked that question yet to Road and Bridge to see what the restrictions are there, but we want to try and figure out a way to open that up and get rid some of that, the eye sores of those rail cars it almost made the area a little open so people just, they think they can see everywhere. In some ways it actually worked against us but it did take those nasty rail cars out of the way which I hated those things so I wanted to get rid of them but I think those three things will probably address the wildcard is I don't know what the restrictions are for that service entrance. We're going to try and work on making that better and taking care of that. We've just got to talk to the roads and bridges and see what that is. I guess the fourth thing is longevity, long-term and things like that, and yeah that is something. You're talking to me today and I hope I'm not going to Alaska, but I understand what you are saying. It is a business and I will say that when I got here I immersed myself in the background of all that was going on at the property to better understand. That information if I were to move on is going to be included in my checkout report for the next person that comes in all the activity that stuff, that file is in my office and it's going to stay in my office when it ceases to become my office. The other benefit that we have here is that we've really changed the culture of our executive board over the past few years and there's where our continuity is in place. We've changed some people, we've replaced some people that were causing us some challenges. We added some people in that are thinking about this more as a comprehensive property rather than just their own special place that they want to, you know some people would rather it be their own weekend retreat and that's not the purpose of it. Jason is someone that's a constant here as well. He's done, I would commend him for his efforts that he's done. I think between our executive board, myself, and Jason I think that we're building a continuity here that can ride these things past the change of administrations if you will for me. I'm the least of the 3. To be honest with you, this is the more important guy right here. We don't want the old things to come up and be problems again and that's something that I'm a firm believer in. We've got to move forward with this stuff and we've got to realize who we are and we've got to realize that we've got neighbors in the area that can either like us or hate us and if they hate us it's not a very good situation and if they like us there's a lot of things we can do together and that is the culture of our council.

*Chairman Scherer:* Thank you, any questions for any of the witnesses at this time before I close the public comment portion?

#### **CLOSE PUBLIC COMMENT**

*Chairman Scherer:* I'm going to make one comment, though. You mentioned the cedar trees, talk to the county conservation district. They'll help or they'll send you to the forest service one or the other.

*Vice Chair Johnson:* Maybe a couple comments for staff. Given the reconfiguration of how they're laying out the development at this point do you believe that the issue of dust control is more under control?

*Mr. Henderson:* I believe again, 2 buses in, 2 buses out per day is probably not something that will create a large issue in the area. I mean dust is generated by every vehicle that travels down those roads and 4 trips per day as opposed to 300 trips per day with 150 vehicles in and out is a lot more palatable I believe. The question that was raised that was valid was what is going to guarantee that it stays at 2 trips in and 2 trips out and I believe that as Chairman Scherer said that placing a condition on that if it increases above X number of trips in and out a day dust control will be required is not something that is unreasonable in order to help enforce that and that way also if we receive complaints that there's 6 buses every day going in and out of there generating a lot of dust that's something that staff can enforce as well. It's something that can be kept track of fairly easily and so that would be a reasonable condition and I think 2 trips in 2 trips out would be something that would be reasonable that might not require the same level of dust control as was being discussed previously if you still feel that some sort of dust control would be required, again, I believe maybe spraying the area down with water might be less expensive if it's only on the weekends or something that they do it or only if it's required during certain times of the year or something like that. Again, that might be a condition where if you exceed X number of trips a day you need to start applying water or if you bump that up to even more trips per day you go up to the more expensive chemical treatments on the road as well.

*Vice Chair Johnson:* Thank you, we could say that the Kiowa entrance could only be used for buses?

*Mr. Henderson:* Yes and service vehicles or emergency service vehicles.

*Commissioner Newman:* And service vehicles, yeah.

*Vice Chair Johnson:* And the other question I have is concern about this maintenance service entrance and that I know that they've yet to talk to Road and Bridge about it but is there a way that we can flag the concern about that to.

*Chairman Scherer:* You just did.

*Vice Chair Johnson:* That's right.

*Mr. Henderson:* It will be in the minutes for sure. I don't believe that Road and Bridge would have a problem widening an entryway. It would just be a matter of the applicant purchasing the additional equipment. They have minimum standards. I don't believe they have maximum standards and so if for example they had a 40 foot wide entryway right now and wanted to push that to 60 or 80 foot I believe that they would be allowed to do that. The only question is how much would that cost for them to put the culver in there. That would be the question that would be addressed, but yeah we will note in the minutes that there's concern about that entryway. You could also put as a condition on certain improvements in that area based on widening the entryway or at least requiring them to speak with Road and Bridge and see if it is feasible for them to widen that entryway. That's something that could even be done between now and the County Commission meeting as well.

*Chairman Scherer:* Other questions or comments? Is someone prepared to make a motion?

**ACTION: COMMISSIONER NEWMAN MAKES A MOTION TO RECOMMEND APPROVAL OF DP2016-02 BASED ON THE FINDINGS OF STAFF WITH THE FOLLOWING CONDITION:**

1. **IF TRAFFIC AT THE KIOWA RD ENTRANCE EXCEEDS SERVICE VEHICLES AND 3 ROUNDTRIP BUSES THE BOY SCOUTS SHALL BE REQUIRED TO APPLY DUST CONTROL TO KIOWA RD, 90<sup>TH</sup> ST, AND KINGMAN RD.**

*Chairman Scherer:* I would like to discuss the dust control, but at this point we have a motion.

*Commissioner White:* And also, I think this gentleman mentioned that he was going to make improvements to his entrance and exit there at the main entrance. I think that's something that needs to be immediately looked at because I think this lady said that it's an accident waiting to happen and I know a lot of the county people who drive the gravel roads all the time they don't pay much attention to stop signs. I think that's something that immediately needs to be worked as far as what he mentioned sound like a good plan that you were proposing but I think that's something that you put in there to get that immediately corrected.

*Commissioner Finley:* So, I'll second his motion so we can work on amending.

**COMMISSIONER FINLEY SECONDS THE MOTION.**

*Discussion Ensues.*

*Chairman Scherer:* Where would you like to start the discussion? I think I will step out of line a little bit and suggest that we probably should on the dust control part should make that the responsibility of someone, either Road and Bridge or Sam. Someone needs to make the determination of what the appropriate dust control is.

*Mr. Henderson:* Probably Road and Bridge to determine what level of dust control, I'm not a Road and Bridge expert, but we do have some folks that, you know the Road and Bridge Department deals with other areas of the county that do have dust control and are aware of the different options that are available.

*Chairman Scherer:* So they would we better than us to try and say what's appropriate. We probably want to amend the motion to include that.

*Commissioner Newman:* And both entrances. So I would amend my motion to add that Road and Bridge would be the ones that dust control would be a part of and then the entrance for the maintenance and the main entrance should probably be first on their to do list to help keep that corner safe.

*Chairman Scherer reviewed the changes to the motion and asked the applicant's thoughts on the conditions. The applicant stated that they were acceptable but that due to operating constraints they likely would not be able to make the improvements to the main entrance until the fall. Further discussion of possibly limiting the Kiowa Rd entrance to only bus traffic and if 3 was an appropriate limit. The applicant stated that they would not expect more than 2 but 3 would allow them to pick up from multiple locations.*

**COMMISSIONER NEWMAN MAKES A MOTION TO AMEND THE ORIGINAL MOTION TO RECOMMEND APPROVAL WITH THE FOLLOWING CONDITIONS:**

1. **IF TRAFFIC AT THE KIOWA RD ENTRANCE EXCEEDS SERVICE VEHICLES AND 3 ROUNDTRIP BUSES THE BOY SCOUTS SHALL BE REQUIRED TO APPLY DUST CONTROL TO KIOWA RD, 90<sup>TH</sup> ST, AND KINGMAN RD AT A LEVEL DETERMINED TO BE APPROPRIATE BY THE ROAD AND BRIDGE DEPARTMENT.**
2. **THE IMPROVEMENTS TO THE MAIN ENTRANCE ON KINGMAN RD/86<sup>TH</sup> ST AND THE SERVICE ENTRANCE ON KINGMAN RD SHALL BE COMPLETED BY THE END OF THE 2016 CALENDAR YEAR.**

**VICE CHAIR JOHNSON SECONDS THE MOTION TO AMEND THE ORIGINAL MOTION.**

Votes were taken by Ayes and Nays and recorded as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	Aye	Aye

The motion carried, 4-0.

*Commissioner Finley asked to hear the amended motion read.*

*Chairman Scherer read the amended motion and called for a vote.*

Votes were taken by Ayes and Nays and recorded as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	Aye	Aye

The amended motion carried, 4-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

Chairman Scherer called for a 5 minute recess.

**PR2016-03:** A request to consider the Final Plat of the Erhart Ridge Estates Subdivision, a two (2) lot subdivision, at the request of Kenneth Erhart.

**Z2016-03:** A request to rezone Lots 1 & 2 of the Erhart Ridge Estates Subdivision from "AG" District to "RR" District, at the request of Kenneth Erhart.

Chairman Scherer asked the members if there was any ex parte communication or conflicts of interests regarding the requests and seeing none proceeded with the staff report.

Mr. Henderson read the staff report for PR2016-03 and Z2016-03.

Chairman Scherer asked for questions of Staff.

General discussion of a typo in the presentation and on the plat ensues. No exceptions were required for the plat and staff would cross out Roger Wood's name as the secretary.

Commissioner Finley: It says that each lot would be allowed at least one entrance on the Road Department report, I was wondering could an easement just be gotten from one or the other to just have one entrance. Or would you want 2 separate entrances on both lots?

Mr. Henderson: The Subdivision Regulations and Staff would prefer that each lot have their own entryway, they can get an easement from one or the other if they would like to do that, the Subdivision Regulations don't require each lot to have their own entryway, they just require that the lots have frontage on the road and the ability to have that access point. They could do an easement if they wanted to. I would recommend against that simply because then one of the lots would not be in control of its entryway and they are going to siblings I don't know siblings don't always get along, I mean that is a consideration. It is best that both of them have their own entryway.

Chairman Scherer: Did I understand you correctly that you measure the lot depth from the center point to center point? I did not know that.

Mr. Henderson: Yes.

Chairman Scherer: Other questions for staff? Seeing none, would the applicant like to make a presentation?

#### **APPLICANT PRESENTATION**

Applicant: We'd just, my kids both want to kind of build on the home place that's been in the family for 150 years. The way we're going to kind of guarantee that it will stay that way for a lot longer.

Chairman Scherer: Do we have any questions for the applicant at this time?

#### **END APPLICANT PRESENTATION**

#### **OPEN OF PUBLIC COMMENT**

Chairman Scherer asked if there was anyone who would like to speak in favor of the application.

Rarndall Dutton: I'd like to speak in favor of it. I live at 15206 Nemaha Rd, which is the property, first property to the south on the same side of Nemaha and apparently I was the only one who called and inquired about the zoning change. I was just curious, you know and that's the only reason we're here tonight is because I was curious and I am glad we came because I was thinking it was two 25 acre lots but it's just one 22 acre lot split in half and I'm in favor of it. I'm glad to see Mr. Erhart providing his children with a place to live on the family farm and hopefully we can be good neighbors and I'm looking forward to having some more neighbors down there. The more the better. You never can tell when you might need some help or something like that. I hope I didn't cause you any angst thinking that anybody was here to oppose you or anything. That's all I wanted to say.

Chairman Scherer: Any questions for the witness? Is there anyone else who would like to speak in favor of the application?

Seeing no one Chairman Scherer asked if there was anyone who wanted to speak in opposition to the application.

Chairman Scherer asked if there was anyone else that wanted to comment on the application and seeing no one closed the public comment portion of the hearing.

#### **END OF PUBLIC COMMENT**

Commissioner Finley: For the applicant, I was just wondering if he could point out the Erhart parent's home. I mean that doesn't have anything to do with it, but if you'd feel comfortable with that. So it's up there and you'd be down the road. Okay.

Chairman Scherer: Any questions of staff or witnesses?

Vice Chair Johnson: I have a question for staff. I'm intrigued with this when you say that it doesn't enhance the Comprehensive Plan but it doesn't, neither does it contradict the Comprehensive Plan. So is this a neutral?

Mr. Henderson: In staff's opinion it fits the fact that it's not high density. It's higher density obviously than 1:40 acres but it's not a quarter acre or one acre lots which would be high density lots. Once you get down below one acre you're required

to have public services for water as well as for sewer. 11 acres, again, even though it's not AG you can still have a lot of room to have agricultural uses on the side.

*Vice Chair Johnson:* I'm intrigued with those comments. Obviously being a market gardener and working with just a few acres to grow vegetables it, I like this debate we're having about what constitutes agricultural land and what it means to prize certain limited acreages that can really have a purpose in this county and with the passage of, did the County Commissioners adopt our recommendation about livestock on what people can do?

*Mr. Henderson:* On the smaller lots, 3 acre lots with chickens? Yeah, if there's HOAs or Improvement Districts that amend their covenants to allow the chickens they can have the chickens, not the other farm animals.

*Vice Chair Johnson:* So, 11 acre lots could. There are no restrictions?

*Mr. Henderson:* Yeah, anything above 3 acres. They can have whatever animal they want out there, whether the ASPCA thinks they should is probably another question, but the Zoning Regulations say it's okay.

*Chairman Scherer:* Other questions or comments? Or if anybody is prepared to make a motion.

*Vice Chair Johnson:* I'm sorry, did we deal with the abandoned vehicles and did we realize whose property those may be on?

*Applicant:* Those were there before I got the property and they do belong to a brother of mine and I'll see to it.

*Applicant's Daughter:* And he's starting to move those out he's had the wrecker out and he's moving them over to his side, so that's in process.

*Chairman Scherer:* You probably shouldn't have said that.

*Mr. Henderson:* If they're off this property that is in question we can deal with the other property at a later date.

*Chairman Scherer:* We had another question for the applicant.

*Commissioner Newman:* The 2 lots that are being split, are you guys going to Ag any of it?

*Applicant:* Part of it we will.

*Applicant's Daughter:* There's our part, I'm Lot 1, the 11.08 and he gets the 11.07. So where the trees are on our part there, there's kind of a waterway. On that front half of that property my husband and I were talking about putting in some grass or wheat or something like that so that's what we plan to do over there. I don't know what he plans to do, but we definitely are and our kids want some chickens so we're going to be doing the chicken thing and maybe some goats because we're big 4Hers so we're definitely going to have plans to be doing those things.

*Applicant:* And they would be building the home behind so you don't see it from the cemetery.

*Chris Erhart:* So, probably about 300 feet in from the road about 100 foot in that is where we're probably going to build the house probably and around the rest of it we want to keep farm ground so probably keep it corn or whatever they decide to do that year and then probably the front half would be hay ground.

*Vice Chair Johnson:* One last informational question, who is Spring Grove Cemetery just for my historical.

*Applicant:* Spring Grove Cemetery? Well, I take care of it. It's kind of out of, see our home place wraps all the way around it. I've been taking care of it for probably 35 years.

*Vice Chair Johnson:* Is it private or is it connected to?

*Applicant:* No, it's a county cemetery.

*Chris Erhart:* I guess if you want to get it paved out there that would be awesome.

*Chairman Scherer:* I don't see any more questions, does someone have a motion they want to make?

**ACTION: VICE CHAIR JOHNSON MAKES A MOTION TO RECOMMEND APPROVAL OF PR2016-03 AND Z2016-03. COMMISSIONER FINLEY SECONDS THE MOTION.**

Votes were taken by Ayes and Nays and recorded as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	Aye	Aye

The motion carried, 4-0.

Staff informed the applicant when the case would be submitted to the County Commission for a final decision and let them know they would receive notice prior to the meeting.

**Comprehensive Plan Review:** The annual review of the Jefferson County Comprehensive Plan.

*Mr. Henderson presented the staff report for the Comprehensive Plan Review.*

*General discussion ensued some questions were discussed about the 3 mile radius as to why the Comp Plan suggests to allow higher density development within 3 miles of cities and if maybe that should be reduced to 1 or 2 miles. Staff suggested that the 3 miles was probably influenced by the statutory allowance for cities to practice extraterritorial zoning within 3 miles of their limits.*

*Vice Chair Johnson:* First of all if we want to take the next steps with the CR Overlay we're going to have to get more specific about what uses would be permitted and whether we go with the ribbon or target approach and all that's got to be spelled out in draft form and then you go to the public with more defined plan for them?

*Mr. Henderson:* So how that would go from this point if you decide that you would like to recommend those changes be made to the Comprehensive Plan the only thing that would be a change to the Comprehensive Plan would be the overlay, the district would then be an amendment to the Zoning Regulations, to include that district. With regard to the overlay we you wouldn't recommend the specific uses to go with the overlay, those uses would be tied with the zoning district. So, if they go at the same time then yes, we'll need to have a prepared use of suggested uses that would be allowed in the zoning district. The overlay, if done prior to the adoption of a zoning district wouldn't require those uses to be included in there. It basically would require you all to identify the area where the overlay should go in the county and based on the response to the survey most preferred the ribbon method some stated that maybe not to include like Ferguson Rd south of 39<sup>th</sup> Street, there was a comment received by phone that said to keep that kind of separate because they didn't want to have any commercial development in that area so that might be a consideration, and that wouldn't necessarily need to go straight to the County Commission right now you would make a recommendation that these need to be made and we're going to consider those say at the May Planning Commission meeting or the June Planning Commission meeting whenever that came up. You wouldn't necessarily need to in your recommendation to them of whether the Comprehensive Plan still meets the county's needs to say we're going to recommend, because they each do need to have a public hearing before the changes go to the County Commission for approval and so it would be at that public hearing where you would hear comments from the public based on their interest in the case or if you wanted me to have another public input meeting I'd be happy to do that as well before it came back to you for you know a determination we could do some more active planning, dividing them up into groups and saying what would you have it look like or draw pictures or however you wanted to do that. That way it would necessarily, you know, involve more time. You may or may not get more participation from the public than we already have currently. If that's the route you wanted to take in that regard, that's what we're here to do, but your recommendation to the County Commission right now from this review wouldn't need to be prepared with that information. It would just need to say we've discussed this and we feel that the County Comprehensive Plan is okay, it might actually get us to 2020, but we feel that these changes should be made and the County Commission would say, okay yeah we agree with that or they'd say, they might send it back and say you guys need to look at this again we don't necessarily think that these things need to happen. Or, they could say yeah run with it and then at that point is when we would maybe start planning to do another public input session if that's what you all want or just gathering information for the public hearing before the Planning Commission. There was a lot of words that came out of my mouth, did I answer your question?

*Vice Chair Johnson:* Right, I think I can understand. It's just that process here and then if we said with the Comprehensive Plan we're good with it but we think we would like to see an overlay district.

*Mr. Henderson:* Right, and then we'd address that in more detail. What goes to the County Commission from this review, whether it's tonight or next month if you decide you want to take another stab at reviewing it, would just be the things that you think might need to be changed. It wouldn't be we're changing now, because we haven't had a public hearing to meet the statutory requirements for those changes.

*Chairman Scherer:* I would put out that we have to do this again next March, too, so I was looking at the 3 things you suggested and I doubt if we get them all done.

*Mr. Henderson:* That’s just kind of broad picture things. They may not be what you decide needs to be done. You might say this has worked for us so far, we don’t see a need for that kind of thing, people can still get conditional use permits, or you might say the road impact fees from people are not going to make enough of a difference to put a dent in the requirement to upkeep the roads so scrap that lets continue going as we are but those are just some of the things that were kind of talked about in the Comp Plan that really hadn’t been addressed over the last 15 years.

*Vice Chair Johnson:* Well, as far as for this Commissioner; I think these meetings tend to drag on at times and we get to this after we’ve sat through all of these other cases and so the energy level starts to fall, etc. and I would love to have a much more of a discussion about the impact fee I think it would be something that I would really like to weigh in to and I would like to have a longer discussion about density guidelines. I just don’t know.

*Chairman Scherer:* It’s possible that what we should do is, we always have business, is to hold a special meeting to deal with that.

*Mr. Henderson:* You can call a special meeting or in April we also only have 1 item on the agenda. It’s a plat.

**ACTION:** VICE CHAIR JOHNSON MAKES A MOTION TO POSTPONE THE REVIEW OF THE COMPREHENSIVE PLAN TO THE APRIL MEETING. COMMISSIONER NEWMAN SECONDS THE MOTION.

Votes were taken by Ayes and Nays and recorded as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	Aye	Aye

The motion carried, 4-0.

*General discussion ensues Staff will research impact fees for the next meeting.*

**Item 6. Public Comment**

*Chairman Scherer noted that there were no members of the public present to make comments.*

**Item 7. Old Business and General Staff Report:**

**Old Business:** *Mr. Henderson reviewed the status of the previous month’s cases and gave a general update as to upcoming cases.*

**Item 8. New Business:**

**Swearing In:** *Erin George swears in Matt Scherer, Brandon Newman, and Matthew Finley.*

**Election of Officers:**

**ACTION:** COMMISSIONER FINLEY MAKES NOMINATES COMMISSIONER NEWMAN FOR THE OFFICE OF SECRETARY OF THE PLANNING COMMISSION.

*Commissioner Newman accepts the nomination and no other nominations are made.*

Votes were taken by Ayes and Nays and recorded as follows:

<b>Matt Scherer</b>	<b>Paul Johnson</b>	<b>Alex Noll</b>	<b>Jerry White</b>	<b>Denise Streeter</b>	<b>Matthew Finley</b>	<b>Brandon Newman</b>
DNV	Aye	---	Aye	---	Aye	Abstain

The nomination carried, 3-0-1, and Commissioner Newman is elected as Secretary of the Planning Commission.

Chairman Scherer called for nominations for the Office of Vice Chairman of the Planning Commission.

**ACTION:** SECRETARY NEWMAN NOMINATES VICE CHAIR JOHNSON FOR THE OFFICE OF VICE CHAIRMAN OF THE PLANNING COMMISSION.

Vice Chair Johnson accepts the nomination and no other nominations are made.

Votes were taken by Ayes and Nays and recorded as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Abstain	---	Aye	---	Aye	Aye

The nomination carried, 3-0-1, and Vice Chair Johnson is re-elected as Vice Chairman of the Planning Commission.

Chairman Scherer called for nominations for the Office of Chairman of the Planning Commission.

**ACTION:** COMMISSIONER WHITE NOMINATES CHAIRMAN SCHERER FOR THE OFFICE OF CHAIRMAN OF THE PLANNING COMMISSION. VICE CHAIR JOHNSON SECONDS THE NOMINATION.

Chairman Scherer accepts the nomination and no other nominations are made.

Votes were taken by Ayes and Nays and recorded as follows:

Matt Scherer	Paul Johnson	Alex Noll	Jerry White	Denise Streeter	Matthew Finley	Brandon Newman
DNV	Aye	---	Aye	---	Aye	Aye

The nomination carried, 4-0, and Chairman Scherer is re-elected as Chairman of the Planning Commission.

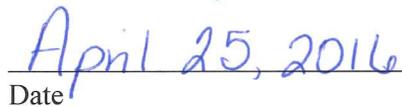
**Item 9. Adjournment**

**Action:** Vice Chair Johnson made a motion to adjourn. Commissioner White seconds the motion. Motion carried unanimously. The meeting was adjourned at approximately 9:52 PM.

Minutes taken by:

  
 \_\_\_\_\_  
 Sam Henderson, Zoning Administrator

Approved:

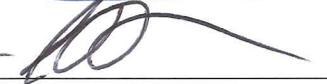
  
 \_\_\_\_\_  
 Date

Chairman:

  
 \_\_\_\_\_  
 Matt Scherer

Secretary:

  
 \_\_\_\_\_  
 Alex Noll Secretary

  
 \_\_\_\_\_  
 Brandon Newman