FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., MAY 19th, 2016 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

MEMBERS: J. Peckham, Chair, K. Jones, L. Spencer, L. Thurston, R. Welton and S. Valencia were present. R. Bowers arrived late. L. Stewart and D. Stottlemire were excused.

STAFF: Larry D. Walrod, Planning Director and Deann Farrell were present

COMMISSIONERS: None were present.

ADMINISTRATOR: None were present.

CO COUNSELOR: D. Brown was present.

PUBLIC: Three (3) people signed in. Sign-in list is part of the official file copy located in the Planning Office.

NOTES: Chair called the meeting to order at 6:30 p.m.

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: Chair asked if there were any amendments to the May 19th, 2016 Agenda. Staff stated there were none. The Chair called for voice vote. All voted in favor. The agenda was approved 6-0 as presented.

APPROVAL OF MINUTES: April 21st, 2016 Public Meeting

NOTES: Chair asked if there were any corrections to the April 21st, 2016 Public Meeting Minutes. There were none. Chair asked for a motion. L. Spencer made a motion to approve the minutes of the April 21st, 2016 Public Meeting as written. The motion was seconded by K. Jones. The Chair called for voice vote. The minutes were approved 6-0 as written.

R. Bowers arrived at 6:31 p.m.

COMMUNICATIONS: Chair asked if there were any communications. Staff stated that there would be some communications later on this evening under General Board Discussion.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Chair opened Public Meeting Items. There were none. The Chair closed Public Meeting Items.

NON-PUBLIC MEETING ITEMS: The Chair opened Non-Public Meeting Items.

1. Application #1604-1392 (Marks), approval of a final plat for Marks Farm Addition Subdivision, located on the south side of Marshall Road between Idaho Terrace and Indiana Road, in the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 12, Township 17 South, Range 18 East.

Staff Presentation: The Chair opened Staff Presentation. Staff stated that this is a request for the approval of a small subdivision plat. There are typically two (2) forms of subdivisions. One which is creating 4 or fewer tracts wherein the County can waive the requirement for a preliminary plat when there are no new County roads or amendments to the County's section line roads being addressed as a part of the subdivision. The other is the creation of subdivisions where they are creating 5 or more tracts or where internal roads are proposed as being a part of the subdivision. This application is a small subdivision plat. The reason for the plat is because they have already divided the property once and utilized the one-time lot split allowance. Any further division of the parcels would require a subdivision plat. The applicants have designed this plat to create two (2) tracts approximately 10.00 acres in size. Lot #1 would be approximately 10.44 acres and Lot #2 would be approximately 9.33 acres. Both lots comply with the minimum requirements of the underlying zone and do satisfy the requirements of on-site water. Lot #2 has an existing residence that has on-site water and sanitation. There is a letter on file from Franklin RWD #4 stating they do have the capabilities of providing on-site water to Lot #1. One of the lots does have a somewhat unusual configuration, however that is how the property is currently designed. In order to divide this property, you would still have to deal with the fact that part of this tract, Lot #1, would have frontage onto Marshall Road, however the primary access would be from Idaho Terrace. After reviewing the plat, Staff does find that the proposed subdivision does meet the County's minimum requirements for lot frontage, lot length-to-width ratio and therefore does comply with the County Zoning and Subdivision Regulations. Based on these facts, Staff does find that the plat is essentially consistent with the provisions of the County Comprehensive Plan and Regulations and recommends that the Planning Commission adopt the attached resolution approving the final plat for Marks Farm Addition Subdivision and forward it to the County Commissioners to accept any dedications of right-of-ways and easements that have been established on the plat. The Chair closed Staff Presentation.

Applicant Presentation: The Chair opened Applicant Presentation. Bryon Cates, of Cates Surveying, was present to represent the applicant. Mr. Cates stated that the applicant is a relative of his wife's. The applicant's originally owned the 5.9-acre tract, the applicant's husband passed away and so she sold the property and moved to Colorado. Later on his mother and father-in-law purchased the 11.4 acres of farm ground and also the 12-1/2 acres on the North side of the road. That left approximately 20.00 acres and the applicant is tired of renting property so she is wanting to split off the existing residence. This was her husband's favorite piece of the property because there is an existing high ridge that runs along there and a water slew down on the bottom side of the property and a big bluff also and that is why the applicant is wanting to retain that piece of the property. Mr. Cates had nothing further to add unless the Planning Commission had any questions. The Chair closed Applicant Presentation.

Board Discussion: The Chair opened Board Discussion. There were none. The Chair closed Board Discussion.

The Chair asked for a motion. R. Welton made a motion to approve final plat Application #1604-1392 (Marks), for Marks Farm Addition Subdivision, located on the south side of Marshall Road between Idaho Terrace and Indiana Road, in the Southeast Quarter (SE ¼) of the Northeast Quarter (NE ¼) of Section 12, Township 17 South, Range 18 East based on Staff recommendations. L. Thurston seconded the motion. The Chair called for a roll call vote.

Welton	Yes	Spencer	Yes	Peckham	Yes
Thurston	Yes	Stewart	Excused	Jones	Yes
Valencia	Yes	Bowers	Yes	Stottlemire	Excused

Motion carried 7-0.

Mr. Cates stated that he was waiting on the title commitment for the easements to mark on the plat itself so he will get the plat to Staff for signatures next week. The Chair closed Non-Public Meeting Items.

PUBLIC COMMENT SECTION: The Chair opened Public Comment. There were none. The Chair closed Public Comment.

GENERAL BOARD DISCUSSION: The Chair opened General Board Discussion.

Staff stated in January of this year the Planning Commission did review the used tires that were being stored at 2480 Clark Road. Mr. Leimkuehler, property owner, had provided Staff with some information that showed the proposed use of the tires as planter boxes for various types of plants that could include garden plants to bushes, etc. He had also showed pictures of these tires being used as decorative planters for landscaping purposes. After reviewing these proposed uses, the Planning Commission had the consensus, at that time, that if they were to be utilized for anything other than a very limited use as decorative landscaping, that a Special Use Permit would be required or the storage of the tires would be considered a Violation of the Zoning Regulations. This type of storage of used tires is considered a nuisance under the current County Zoning Regulations and would have to be removed. Staff did receive a "Certificate of Agricultural Use' that was filed by Mr. Leimkuehler regarding the use of these tires to construct an agricultural building. Agricultural buildings have been excluded from requiring a building permit by the County Commissioners when the requirements for Building Codes were adopted. At that time, it had been anticipated that most of the structures that were associated with our agricultural operations were basically limited to either the storage of farm equipment that was being used on a productive farm or for animals and feed and seed. These were the basic principle uses that were typical of most of the farm operations. Things are a little different now because, if it is truly a major agricultural business, then there are offices where a lot of records and office equipment is kept such as computers, GPS units, etc. A copy of the Certificate of Agriculture Use is attached to your Staff Report that Mr. Leimkuehler had presented. After Staff reviewed the list of uses and activities proposed for the new structure, Staff wasn't satisfied that the applicant had a bona fide agricultural operation making it difficult to determine that the structure was actually being used for agricultural purposes and, therefore exempt from a building permit. Otherwise the applicant would have to obtain a building permit and comply with the minimum requirements of the County adopted Building Code for the construction of an accessory structure. That accessory structure would be an accessory to the primary use of the property, which is Residential based on the current zoning which is R-E, Residential Estate. The R-E Zoning District does allow for limited types of agriculture, such as greenhouses or nurseries, which are associated with smaller tracts of land. If there was, for example, a strawberry farm that would a very intensive agricultural operation and, therefore could justify the need for some agricultural structures associated with a very intense agricultural operation. However, there hasn't been any evidence seen at this time for that type of operation so Staff has brought this matter to the Planning Commission this evening for your decision regarding whether or not Staff should be recognizing this structure as a bona fide agriculture structure and, therefore exempt from the building code requirements. If not, then it would be an accessory structure and would have to comply with the Building Codes, which would mean it would require engineering to determine that the use of the used tires as an alternative material, was an acceptable means of providing adequate support to comply with the codes. The purpose of this item being considered this evening is to give some direction to Staff as to your feelings as to whether or not the proposed structure can be justified as a bona fide agricultural structure given the existing situations.

Chair asked if Mr. Leimkuehler would like to make a presentation to the Planning Commission.

Brent Leimkuehler, 625 E. 1st St., Wellsville, presented an aerial photo to the Planning Commission of his property located at 2480 Clark Road, where the structure is being constructed. The building that he drew on the photo is at a larger scale that what is actually being built. The proposed building would only be approximately 40'x25'. The proposed structure would be used to store grains, feed, extra hay, equipment and the other portion would be utilized as a horse stable.

Chair asked if the other portion of the building is currently on the property.

Mr. Leimkuehler stated no the other portion of the building is not constructed because he has not cleared out the trees. He has been doing the construction in his spare time and he works approximately 60 hours per week at SPX in Olathe so he only works on the structure on the weekends.

Chair asked Mr. Leimkuehler if he knew he needed a permit for conducting the other types of activities that are not allowed in the R-E Zoning District.

Mr. Leimkuehler stated that when he purchased the property it was agriculture, it had AG on the certificate. The taxes that he pays even said AG. He is currently fighting the State to keep it as agriculture.

Derek Brown, County Counselor, stated that the property is a residential piece of land.

Chair asked if the property is currently zoned R-E and is it listed as R-E at the County Courthouse?

D. Brown stated yes it is shown as R-E at the Appraisers Office.

Mr. Leimkuehler stated that the taxes he paid on the property last year were $17 and said AG behind it. This year the County is attempting to change the classification from agricultural to residential so they can tax him at a higher tax rate so he is going to a court hearing to object.

Chair asked how many acres the tract contains.

Mr. Leimkuehler stated that the property is almost nine (9.00) acres, approximately 8.97 acres.

Chair stated that there are not very many agricultural tracts that are less than ten (10.00) acres.

Staff stated that the minimum lot size for any agricultural zoning districts is twenty (20.00) acres, which is the Transitional Agricultural Zone. The agricultural designation that Mr. Leimkuehler is discussing is solely for taxing purposes, it is not the zoning classification.

Mr. Leimkuehler stated that he also plans on having an orchard on the site with a berry grove and a grazing area for the horses.

Staff stated that raising horses is not considered an agricultural use.

Mr. Leimkuehler stated that he is not saying that the horses are an agricultural use. He does need acreage for the horse to run and graze. He does plan on having an orchard and a berry farm. He wants to do organic berry farming so he can make extra money at the farmer's markets. He feels that would be considered agricultural and he is trying to grow food to sell to the public. Is that not the definition of agricultural?

Chair stated that the agricultural zoning district requires a certain amount of acres to be zoned agricultural. The Zoning classification is different than the taxing classification. The Zoning Regulations state that to be zoned agricultural would require a minimum of twenty (20.00) acres. If you want to do agricultural activities on ten (10.00) acres you would need to request a Special Use Permit to be allowed to do those types of activities. In order to do certain agricultural activities, you need to have a minimum of twenty (20.00) acres to be in a designated agricultural zoning district or get the approval of a Special Use Permit. Right now you only have approximately ten (10.00) acres and, therefore in the R-E, Residential Estate Zoning District. So, to build a building on that property you would need to obtain a building permit according to the Zoning Regulations.

Mr. Leimkuehler asked if he needs to obtain a Special Use Permit in order to do the agricultural activities.

Chair stated you would need to file an application for a Special Use Permit with the Planning Department and start there. Then you would need to meet building codes for the building and then, if the Special Use Permit is approved, you can conduct the agricultural activities.

D. Brown stated that if the Special Use Permit would permit an agricultural use then that might take the building codes out of play because it would be classified as an agricultural structure. However, a Special Use Permit would have to be granted and an agricultural use would have to be recognized.

Staff stated that the R-E (Residential Estate) Zoning District does allow limited forms of agriculture. Typically, those have been the smaller Christmas tree farms, etc. One of the major reasons that limited forms of agriculture were included in the permitted uses in the R-E Zone was to encourage and allow the 4-H kids to have 4-H projects which included baby beef, dairy, chickens, ducks, rabbits, and similar types of activities. These could be classified as part of an agricultural operation and we didn't want confusion with these uses in our subdivisions. We have subdivisions in the R-E Zoning District where five (5.00) acre tracts are often created. To ensure that we would still have the capabilities of encouraging the 4-H kids and FAA to conduct their operations, the limited agricultural uses were included when the Zoning Regulations were adopted approximately 16 years ago. That being said, Mr. Leimkuehler could have certain agricultural activities but that doesn't make it the primary use which would exempt the structure as an agricultural building. It must be proven that it is truly being used for agricultural purposes. Staff doesn't believe that has been proven evident here this evening.

Mr. Leimkuehler presented another photo to the Planning Commission to show that the tire pile cannot be seen from the road. The complaint has been that the surrounding owners can see a massive tire pile from the road. The pictures that were part of the Staff Report shows massive tire piles. From the road, and there is only one entrance, the structure is 200 feet from the road.

Chair asked if the piles of tires exist.

Mr. Leimkuehler stated that the piles do exist because he has only used up approximately 400 tires so far. The tire piles are past the structure, and hidden by trees, so couldn't possibly be seen from the road. There is no way the people that are complaining can see the tires from the road. You can barely see the structure from the road let alone the piles of tires. The amount of tires that can be seen are the structure itself. Everything else is behind the structure.

L. Thurston asked if these tires are not being used ornamental purposes and for flower planters.

Mr. Leimkuehler stated he was initially going to because if he could raise the plants up off the ground and keep pests from getting to the plants. It is also easier for him to water and groom plants if he isn't on the ground.

D. Brown asked if the existing structure, that looks like a foundation, is just built up for ease of use for watering and grooming plants.

Mr. Leimkuehler stated yes that is why they are built out there.

D. Brown stated that you are not going to build a structure out there, you are just building it up so high for easier watering and grooming.

Mr. Leimkuehler stated that this was his initial intent and then he was told he couldn't do that so he obtained the Special Agricultural Permit to build an agricultural building. At this point that is the only thing he could do.

D. Brown asked who granted Mr. Leimkuehler the Special Agricultural Permit.

Mr. Leimkuehler stated that the Special Agricultural Permit was granted by Staff.

D. Brown asked Staff if they did indeed grant a Special Agricultural Permit. D. Brown noted that Mr. Leimkuehler did sign a Certificate of Agricultural Use, he has a copy of that, he has not obtained a permit.

Staff stated that no Special Use Permit or Building Permit has been issued. The only item issued was the Certificate of Agricultural Use.

Mr. Leimkuehler stated that he was told in order to build an agricultural building he must obtain an Agricultural Use Permit.

D. Brown asked Mr. Leimkuehler if this is what had been determined when he came before the Planning Commission in January.

Chair stated that Mr. Leimkuehler has never appeared before the Planning Commission until tonight.

D. Brown asked that when Mr. Leimkuehler previously claimed that the tires were being used for decorative landscaping and flowers, at that point and time, you had no idea that someday you would use them to build a tire structure.

Mr. Leimkuehler stated that structure was not his intentions in the beginning. Later it was decided that he could build a barn out of the tires. It was loose dirt so I took the top layer off, packed down the bottom layer with sledge hammers and then continued stacking the tires and filling them with clay.

D. Brown asked if prior to starting that project did you contact the Planning Department or a member of the Planning Commission and tell them about your change of plans.

Mr. Leimkuehler stated that turning the flower pots into a building was discussed and that is why he obtained the permit. The first thing I was thinking was I can get tires and make a garden out of them and expand it into a larger operation. Then I got a letter and went in to talk to Staff and was told I can't do that. So then I went through and reviewed everything that was on the County law books that I can do with tires. It stated if it's an agricultural building I can build it with whatever materials because it does not have specifications. Tires make great building materials. There is a zero carbon footprint, in fact it is a negative carbon footprint at this time. I submitted a letter to Staff from the Franklin County Transfer Station stating that I am not being paid for tire removal and that I am removing them at my own expense.

Chair stated that the letter was a part of the Staff Report that the Planning Commission received.

D. Brown stated that what is troubling to him is that they are here this evening to discuss the purpose of what Mr. Leimkuehler is doing. To determine whether or not this structure has a valid agricultural use. Despite the fact that the County has not given Mr. Leimkuehler permission to proceed, apparently he has continued every weekend to build this structure even though he is unclear as to whether or not it is legal. Is that correct Mr. Leimkuehler?

Mr. Leimkuehler stated no that is not correct because he has the permit that allows him to build agricultural building.

D. Brown stated the Mr. Leimkuehler is mistaken as to what he is calling a permit. He does not have a permit to construct anything, that is what is being discussed here this evening. So far the Planning Commission hasn't ruled that you have got a valid agricultural use. The determination is still trying to be made as to whether or not you need a building permit. It is Staff's recommendation that because you don't have a valid agricultural use, you need to apply for a building permit. I have yet to see what the Planning Commission is going to say and until they make that determination you probably shouldn't be constructing anything on that property. As far as direction Madam Chair, Staff turned this matter over to the Planning Commission to make a determination.

Chair stated that is what she was trying to get at is that all the Planning Commission is looking for is to make the determination as to whether or not it is an agricultural use and can be done that way or if he is going to have to get a Special Use Permit to be an agricultural use in an R-E Zoning District.

D. Brown asked Staff if a Special Use Permit is on the table here potentially.

Staff stated no, there has not been an application for a Special Use Permit filed.

Chair asked if there is a possibility for this type of use if the applicant applied for a Special Use Permit.

Staff stated that if the applicant filed for a Special Use Permit then the Planning Commission could then tell Staff that the structure was for agricultural use as a nursery or a greenhouse operation and, therefore it could be exempt from the building permit requirement. If the Planning Commission couldn't make that determination, then the applicant would have to construct something that would be called an accessory structure to a residential development which would require a building permit and would have to comply with the adopted building code requirements.

R. Welton asked if Mr. Leimkuehler has done any research for other structures that were built with these types of materials? If so, do you have any pictures we could see or any data that you could share?

Mr. Leimkuehler stated that it is called rammed earth construction. Rammed earth construction is essentially where you take soil, that is loose, and you compact it into a form. He is using tires as a form but you could also use straight concrete wall forms and do the same thing. It is 80 percent the strength of concrete and normal thickness of the walls, when they build a building or structure with the rammed earth construction, is 24 inches. So it is being 80 percent the strength of concrete and more than three times the thickness of an average concrete wall. So it is more than stable enough.

R. Welton asked if he knew of any other structures like this that exist in the County or the State.

Mr. Leimkuehler stated that when he was researching this procedure he did discover a guy that lives North of Baldwin that built one on his property in Douglas County.

Chair asked if he knew how many acres that guy owned.

Mr. Leimkuehler stated he don't know that number of acres he owns but he did know that when he drove down his driveway it was probably 600 feet long.

K. Jones stated it sounds like the issue is whether the property is residential or agricultural. How do you get the right permits if you don't know which it is? It sounds like he purchased it with the assumption it was agriculture when in fact it is zoned residential.

L. Spencer asked Staff if he was the one that took the pictures and if so how close were you from the road to take them.

Staff stated that it was so muddy that he didn't get into the property very far. He stated he was on the property but couldn't have been more than 60 feet into the property.

L. Spencer asked Staff if he could see everything that he took pictures of from 60 feet into the property.

Staff stated that the 60 feet is from the property boundary that doesn't mean the driving lanes of the road surface.

D. Brown stated that the legitimacy of any complaints received by any of the neighbors is not at all what is at issue here this evening. What is at issue this evening is whether or not Mr. Leimkuehler has demonstrated any kind of agricultural use. He stated that the Planning Commission needs to be focused on what is the actual agricultural use that exists on this property today. From what he can see is that Mr. Leimkuehler continues to build the structure even though he hasn't obtained permission from the County, so we really need to determine if there is a legitimate agricultural use.

Mr. Leimkuehler stated that currently firewood is considered agricultural and he is cutting down hedge trees, stacking it for firewood and would need a place to store it to keep it dry to sell during the winter time for when people need firewood. This would be considered agricultural.

L. Spencer stated that she lives on a farm, and they are an agricultural operation. She would never consider this type of structure to be agriculture by any means. If you are planning this to be a building, I can't believe it because it looks to her like an eye sore. It is her personal opinion that this looks like a place for mosquitos to start breeding.

Mr. Leimkuehler stated that the tires would not be exposed in the end product. The end product would be covered over with adobe mud to fill in the gaps, then sprayed down with a concrete coating and then painted with waterproofing. It would look just like a concrete building in the end.

L. Spencer stated that nothing you have provided to us says any of that.

Mr. Leimkuehler stated that currently he does not have the time to be out there every day working on the structure. He stated that he has two (2) years with the permit he was given to construct the building. No building is built overnight. The construction can take six (6) months to a year on some projects and that is with a crew. He is by himself or with his 50-year-old plus parents who are out there helping construct a barn in their spare time because they want the exercise and they think it is fun.

L. Spencer stated that it is her understanding that you don't have a permit and you shouldn't even be continuing to do anything.

Mr. Leimkuehler asked what the permit is that he has.

Chair stated that the definition of what you think you have and what the County Counselor says you have is two entirely different things.

Staff stated that the Certificate of Agriculture Use, which is part of the Planning Commission's Staff Report, is not a permit. What Mr. Leimkuehler has is a certificate he has submitted that states he has a bona fide agricultural operation and, therefore he is submitting that in lieu of getting a building permit because he has a bona fide agricultural operation. The structure would be an agricultural building serving this agricultural use. If you look at the activities listed on the certificate, Staff cannot justify that those activities are legitimate agricultural purposes and, therefore we cannot exempt this structure as an agricultural structure. He has no permit and he has no authority to do what he is doing. Staff has cited him with two notices of violation with letters. Each time he has responded by submitting some sort documentation. The first time he submitted the information that was presented to the Planning Commission with the painted tires for landscaping purposes and three or four tires stacked to show how you could grow vegetables and other things. At that time the Planning Commission decided that it wasn't a legitimate agricultural use as it was presented and, therefore had a consensus that it was to still be classified as a nuisance. Staff forwarded another letter and the response received was that Mr. Leimkuehler had done some research and he was having an agricultural use out there and that this structure would be used for agricultural purposes and should be exempt. He brought in the Certificate of Agricultural Use and Staff reviewed it and decided it does not satisfy the requirements. This is why we are here this evening.

Chair stated that the firewood farming could be done on ten (10.00) acres but that would not be considered agricultural necessarily. She cuts trees down, and she is sure that the Spencer's cut trees down, so that to her is not an agricultural use. The berry farming and the orchard could be bona fide farming, if it could be justified. In her personal opinion, right now this property is not a farm. You could plant berries on the property without it being considered agricultural because it is zoned residential. She still does not feel it is qualifying itself as agricultural. If Mr. Leimkuehler had come in this evening with a building plan and that it is going to be a nursery and these are all the plans that it is going to be, then you could say that is a nursery activity.

Staff stated that if that is what Mr. Leimkuehler proposes then that would require a Special Use Permit.

R. Welton stated that before Staff brings an item or matter to the Planning Commission, they have worked with the applicant to make sure that it meets all the codes and regulation requirements. When the applicant comes to the Planning Department Staff has reviewed the issues with the applicant before it is presented to the Planning Commission. My recommendation is to do the Special Use Permit and to allow Staff to work with the applicant to get where you need to be to do what you want to do.

Chair stated that Staff is already stating that the current proposal doesn't justify a Special Use Permit as it is currently being presented now, how is that going to change.

D. Brown stated that he doesn't feel that a Special Use Permit is the route here. Mr. Leimkuehler stated what he might be able to do in the future on the property, but I believe that the appropriate procedure would be for Mr. Leimkuehler to apply for a building permit and to work the County Building Official David Piotrowsky. I am not an engineer but what has been proposed for building materials might very well be an option. If you want to comply with the laws that we have here in Franklin County, this is the only option you really have. I don't want to waste Mr. Leimkuehler's time with the Special Use Permit process because I can't see it getting approved and I can't recommend to the Board of County Commissioners that it get approved. However, if Mr. Leimkuehler applies for a building permit, and works with the Building Official, then potentially he can continue constructing the way he wants to. That decision would be up to the Building Official.

Chair stated that the only thing the Planning Commission is considering is whether or not the building being constructed is for an agricultural use. This building would then require a building permit and then Mr. Leimkuehler could continue doing those types of activities, because you can cut firewood and you can have an orchard and berry farming. You have to have a building permit for the building but can still conduct all those uses.

L. Spencer stated she agrees that a building permit is required for the structure.

S. Valencia stated she agrees that a building permit is required.

L. Thurston stated that he agrees that a building permit is required because he doesn't see an agricultural practice about to be performed. He is also troubled by the way this has come to the Planning Commission because the first time it had one use and then it got changed.

R. Bowers stated he agrees that a building permit is required.

K. Jones stated he agrees that a building permit is required.

R. Welton stated he agrees that a building permit is the route to go. We aren't saying you can't build the building but that you need a building permit to construct it.

D. Brown stated that he doesn't believe that a motion needs to be made.

Staff stated that they had a consensus of the Planning Commission last time and a consensus would be appropriate this time.

Chair stated that the consensus of the Planning Commission this evening is that the structure is not an agricultural structure and would require the approval of a building permit.

D. Brown stated that Staff would work with Mr. Leimkuehler from here on to determine what needs to be done and submitted.

Staff stated that he and the Building Official would work with Mr. Leimkuehler on what his next steps would be.

Mr. Leimkuehler asked if the building permit would still allow him to build it himself.

Chair stated you can build the structure yourself as long as you work with the Building Official to make sure the building materials and the process in which it is being constructed meets all the building codes and that you are going to cover it up with adobe so no one will ever know it is built from tires. They build residences and structures in Arizona out of bales of hay inside and then cover them up with adobe and that is their insulation so it is an allowed process. However, you will need to get a building permit and work with the Building Official to ensure it is done to the adopted codes. Then you can continue doing what you are doing after you have obtained a building permit.

Mr. Leimkuehler asked how does he obtain a building permit because he is working 60 hour weeks and he don't get off work until 4:00 p.m.

Chair stated you would need to go to the Planning Department Office and talk to David Piotrowsky or Staff. They can work something out with you to assist you. She believes that obtaining a building permit would resolve all of your issues. She is curious as to what the roof would be made from.

Mr. Leimkuehler stated that either a barn truss or a metal building on top as a roof. Chair closed General Board Discussion.

CALENDAR: The next Planning Commission Public Meeting will be held **Thursday, June 16th, 2016**, **at 6:30 p.m**. in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING**.

ADJOURNMENT: With no further business to discuss, R. Welton made a motion to adjourn. L. Spencer seconded the motion. All voted in favor 7-0. The meeting was adjourned at 7:15 p.m.

Juanita Peckham

J. Peckham, Chair

Attest:

Larry D. Walrod

Larry D. Walrod, Planning Director