

FRANKLIN COUNTY PLANNING COMMISSION

PUBLIC MEETING MINUTES

6:30 P.M., JULY 21st, 2016 AT THE COUNTY COMMISSIONERS MEETING ROOM
FRANKLIN COUNTY ANNEX

ATTENDANCE:

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

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

GENERAL BUSINESS:

ADOPTION OF THE AGENDA: The Vice Chair asked if there were any amendments to the July 21st, 2016 Agenda. Staff stated there were none. The Vice Chair called for a motion. R. Bowers made a motion to approve the July 21st, 2016 Agenda. The motion was seconded by L. Spencer. The Vice Chair called for a voice vote. All voted in favor. The agenda was approved 7-0 as presented.

APPROVAL OF MINUTES: June 16th, 2016 Public Meeting

NOTES: The Vice Chair asked if there were any corrections to the June 16th, 2016 Public Meeting Minutes. There were none. Vice Chair asked for a motion. L. Spencer made a motion to approve the minutes of the June 16th, 2016 Public Meeting as written. The motion was seconded by S. Valencia. The Vice Chair called for voice vote. All voted in favor. The minutes were approved 7-0 as written.

COMMUNICATIONS: There were none that weren't related to an item on the agenda later this evening.

EX PARTE COMMUNICATIONS: There were none.

PUBLIC MEETING ITEMS: The Vice Chair opened Public Meeting Items.

1. *Application #1605-1403 (Wright) requesting to rezone approximately 10.00 acres from an A-2 (Transitional Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located on the East side of Montana Road between Marshall Road and Labette Road, approximately one-half (1/2) mile North of Labette Road, in the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 7, Township 19 South, Range 20 East.*

Staff Presentation: The Vice Chair opened Staff Presentation. Staff stated that the applicant is requesting to rezone approximately 10.00 acres from an A-1 (Agriculture) District to an R-E (Residential Estate) District. The property is located on the East side of Montana Road between Marshall Road and Labette Road, approximately one-half (1/2) mile North of Labette Road, in the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 07, Township 19 South, Range 20 East. At your meeting of April 21, 2016, the Wright's came before the Planning Commission to discuss their request to construct a new residence on their parent's property since they work on the family horse farm. It was explained to Mr. Wright that in order to do this they would have to divide out the acreage that met the minimum of the County Zoning Regulations for a new residence and that it would also have to be rezoned. At that time, the County did not have zoning authority for that area, it had been granted to the City of Ottawa as part of the Urban Growth Area through the Interlocal Agreement. Staff advised Mr. Wright that if he wanted to proceed with the rezoning he would have to wait until after June 30th, 2016 when the County retained zoning authority. Mr. Wright did wait until after June 30th and Staff did advertise in the local newspaper and we are holding the public hearing this evening in accordance with Kansas Statutes to rezone this property under the authority that is granted to the County pursuant to the requirements of the Home Rule Policies and also K.S.A. 19-101. The decisions that are made this evening are consistent with the provisions of State Law and would be consistent with the requirements of the County Comprehensive Plan and Zoning Regulations that currently apply to the County. Later this evening the Planning Commission will be considering the Zoning Maps associated for the Urban Growth Area since it has been granted back to the County. Staff wanted to make the Planning Commission aware that we have an application for rezoning that was legally presented within the timeframe that is required and it has been legally advertised. Staff finds that the rezoning request is substantially in compliance with the goals and objectives of the County Comprehensive Plan and the County Zoning Regulations. Due to the configuration of the existing tract, an exception would have to be granted in order to exempt the remainder tract from having to meet the 4:1 lot length to width ratio. It was the consensus of the Planning Commission at your April 21, 2016 meeting that if the applicant was to file for a rezoning, have the survey work completed and also construct their own sanitation system and have their own on-site potable water supply that the Planning Commission would grant an exception to the lot length-to-width ratio. In consideration of the rezoning, the Planning Commission should look at the thirteen (13) findings of fact based on the guidelines that are listed in your Staff Report along with the factors from the Golden Case. Notice was sent to eleven (11) surrounding property owners and the City of Ottawa. The Planning Department did not receive any comments for or against the proposed rezoning request. After reviewing the character of the surrounding area and the policies of the Comprehensive Plan, Staff recommends that the Planning Commission adopt the attached draft resolution recommending approval of rezoning application #1605-1403 to rezone approximately 10.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District based on the findings as set forth in the resolution and forward a recommendation to the County Commissioners to rezone the property and to amend the County Zoning Map accordingly. The Vice Chair closed Staff Presentation.

Applicant Presentation: The Vice Chair opened Applicant Presentation. There were none. The Vice Chair closed Applicant Presentation.

Public Comment: The Vice Chair opened Public Comment. Dean Goodell, 2354 Labette Road, stated he is in favor of rezoning the property, however it stated in the Staff Report that a letter was submitted from Rural Water District #4 has the capability of providing water to this location. Rural Water District #4 does not go East of US-59 Highway. He believes this property lies within Rural Water District #2 boundaries. The Vice Chair closed Public Comment.

Board Discussion. The Vice Chair opened Board Discussion. Vice Chair asked Staff about Mr. Goodell's comment regarding which rural water district is able to provide water to this property.

Staff stated that Mr. Goodell is correct and the letter that is on file is from Rural Water District #2. The application for water service and the water user agreement that was submitted by Mr. Wright as part of his application is with Rural Water District #2. Staff apologized for that error. There are currently two meters at this location. One serves the existing residence and the other one was purchased a while ago. They do have the requirements that satisfy the policies of the County Comprehensive Plan.

L. Spencer asked Staff if the applicant would be required to construct their own lagoon versus sharing one.

Staff stated you cannot share sanitation systems. They have to be constructed on-site. The only time you would be allowed to have something other than that would have to be through special KDHE approval. This would not necessarily be a public facility but would be something that would be governed through the policies of KDHE rather than the County. The Vice Chair closed Board Discussion.

The Vice Chair asked for a motion. R. Bowers made a motion to recommend approval of application #1605-1403 (Wright) requesting to rezone approximately 10.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located on the East side of Montana Road between Marshall Road and Labette Road, approximately one-half (1/2) mile North of Labette Road, in the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of Section 7, Township 19 South, Range 20 East, based on Staff recommendations and the findings as stated in the Staff Report. The motion was seconded by L. Thurston. Vice Chair called for a roll call vote.

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

Motion carried 7-0.

- Application #1606-1406 (McCurdy) requesting to rezone approximately 11.00 acres from an A-1 (Agriculture) Zoning District to an R-E (Residential Estate) Zoning District. Said property is located near the intersection of Oregon Road and Kingman Terrace, on the East side of Oregon Road and approximately one-half (1/2) mile North of Kingman Terrace, in the Northwest Quarter (NW 1/4) of Section 14, Township 17 South, Range 20 East.*

The Vice Chair stated the Planning Commission did receive a request to continue this application.

Staff stated that the Planning Commission did receive a request to continue this application to the September meeting. The applicants are still looking at their options for water well drillers. In order to satisfy the criteria of the County Comprehensive Plan regarding land divisions and rezoning matters, Staff would recommend that the Planning Commission accept the applicants request and continue the rezoning application to the September meeting. We have no other applications for the August meeting and we are closing in to the deadline date for publishing the public notice in the local newspaper to satisfy the requirements of Kansas Statutes for notification.

Applicant Presentation: The Vice Chair opened Applicant Presentation. There were none. The Vice Chair closed Applicant Presentation.

Public Comment: The Vice Chair opened Public Comment. There were none. The Vice Chair closed Public Comment.

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

The Vice Chair asked for a motion. R. Bowers made a motion to continue application #1606-1406 (McCurdy) to the September 15th, 2016 Planning Commission meeting. The motion was seconded by L. Spencer. Vice Chair called for a roll call vote.

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

Motion carried 7-0.

3. *Continued consideration of amendments to Chapter I, Article 4, Section 5 and Chapter III, Article 1, Section 5.C of the Franklin County Sanitation Code.*

Staff Presentation: The Vice Chair opened Staff Presentation. Staff stated that at your meeting of June 16th, 2016, the Planning Commission held a public hearing to give consideration to an amendment to the County Sanitation Code. This amendment was submitted to the Planning Commission at the request of the County Commissioners specifically to address cisterns or holding tanks, for those existing properties where they weren't provided the opportunity or ability to have an adequate on-site ground water supply or were not located within a rural district that was capable of providing adequate on-site water for domestic purposes. The Planning Commission did hold a public hearing and did receive a lot of comments. After a thorough discussion, the Planning Commission gave direction to Staff to highlight all of the changes that were being proposed and structure those within the framework of the current code so that those changes would be highly visible and would be more understandable as to how it does or does not relate to the changes that were being requested to the County Commissioners. Staff has done that with the attachments that are part of your Staff Report this evening. Staff would like to note, for the benefit of the Planning Commission, that you are not required to review the County Sanitation Code as you are with the County Comprehensive Plan and Zoning Regulations. This was submitted to the Planning Commission because of your involvement and the policies that are currently set forth in the Comprehensive Plan, Zoning Regulations and Subdivision Regulations as they relate to having an adequate water supply and capabilities of providing on-site sanitation prior to rezoning properties and also prior to subdividing properties for future development. Due to these reasons, the County Commissioners referred this matter to the Planning Commission for a recommendation before they take a final action. This is not solely the County's decision. Pursuant to the provisions of K.S.A. 82A, Section 102, the County is required to submit any Sanitation Codes, amendments or modifications of the Sanitation Code to the State for their recommendation and approval prior to the adoption of the Code. Therefore, this is an extension of KDHE's requirements because they must sign off on the Sanitation Code before the County can adopt it or enforce it. All County's throughout the State of Kansas are subject to this requirement. Staff had nothing further to add since the Planning Commission reviewed all the issues that were of primary concern at the last meeting. The basic thing was the use of a cistern or holding tank facility on properties that were not capable of providing adequate on-site water through a well or being able to hook to an adequate public water supply to provide for the domestic needs necessary to serve the development. Staff has attempted to address that issue with the amendments that are contained in the Staff Report. The only items that are being changed are those items that are depicted in red as part of the Staff Report.

Vice Chair stated that the prohibiting of cisterns or holding tanks already existed, this is just separating it out and defining it more.

Staff stated it is actually loosening the requirements. It is making the Code a little more liberal by accepting them where they were otherwise prohibited. That was a major concern because we do have certain existing facilities throughout the County, that have been there a number of years, that do not have an opportunity for an adequate on-site water supply other than the fact that they have to haul it to their cistern or holding tank. The Vice Chair closed Staff Presentation.

Public Comment: The Vice Chair opened Public Comment. Dean Goodell, 2354 Labette Road, stated he has 3 pages of notes but he would only highlight some of them. The changes that were made since last month were good changes. It took out the part that the County Sanitarian would determine, at their discretion, the reasonable cost to a property owner to get an adequate public water supply. That was bad and it was taken out. Last month I had some quotes from former KDHE employees and this month I have some from current employees. He encourages all of the Planning Commission members to call the Northeast District Office of KDHE at 785-842-

4600 and ask them questions themselves. One quote stated that “KDHE has minimum standards for surface water for public supply. Not private water supplies. We are not in the business of regulating private water supplies.” Another quote states that “Catching rain water for personal use in barrels or in cisterns would appear to me to be a personal decision not something that KDHE would regulate. I know of one source of information that we refer people to is KSU’s Extension Service Library for something like that. That is for recommendations not requirements.” KDHE does not regulate private water supplies. Whether they are surface water or cisterns. In some of the proposed changes towards the end of the paragraph that it has to meet KDHE’s minimum standards for private water supplies. How can they meet KDHE minimum standards when KDHE doesn’t have any? If they didn’t meet those minimum standards, what would the fine be? He read one time where the fine for being out of compliance with the Codes would be up to \$10,000 per day. He is not sure if that is correct or not, Staff would know. Last month the EPA had their hand slapped over a case out in Wyoming over certain surface water rights and fined \$37,000 per day. That’s a bad idea. The proposed changes referred to K.A.R. 28-30 and Bulletin 4-2. He obtained copies of both of them and would encourage the Planning Commission to get copies and read them for themselves sometime. For example, the Bulletin 4.2 is a pamphlet, it is not a Statute or Regulation. It may refer to them, but it is a pamphlet or a bulletin. It is for wastewater systems. He is all for the wastewater regulations as they are and the proposed changes. The whole point of the wastewater regulations is for you to keep your waste off my property and vice versa. That is irrelevant of private water supplies. There is no reason why I shouldn’t be able to get private water out of my pond or rain barrel from run-off from my roof. The County shouldn’t be involved in that. As Staff stated, 9 to 10 years ago there was a Code change that prohibited anyone from doing that. There are at least a couple of homeowners in Franklin County that do utilize that as their water supply. If you get on the internet there are dozens of systems, filters, gravel, sand and carbon filters, chlorination systems to treat pond and run-off from roof water. He even donated hundreds of dollars to church youth groups that are sending these filters overseas to third world countries. If using a bucket and the filter system is good enough to provide clean water to families in third world countries for a year, then why can’t residents use them in Franklin County. The Code essentially says it is illegal for residents to use surface water for domestic private use. If you are going to regulate my private water supply, then why aren’t you regulating my private apple supply. He has apples, lettuce and carrots in his garden and they can be contaminated with bacteria or pesticides the same way water off roofs and out of ponds can get contaminated. Why doesn’t the County regulating vegetables? Because it shouldn’t be. The County also shouldn’t be telling residents that they shouldn’t be drinking water from their pond or off the roof.

The Vice Chair stated that the point isn’t that they can’t drink pond water. As long as the property has a potable water supply they can still go out and dip a cup in their pond if they want to.

Staff stated yes they can drink all the water they want out of the pond but the water supply to the residence must meet a more specific standard. The County is not modifying that requirement, this requirement is currently in force and effect and has been for a number of years. The direction from the County Commissioners was not to modify that requirement but to make provisions available in the Sanitation Code that would address the use of holding tanks or cisterns for individuals that specifically didn’t have the capabilities for an adequate ground water supply or a public water supply. That is what these modifications have attempted to address.

The Vice Chair asked Staff approximately how many years the current Sanitation Code has been in effect.

Staff stated that he didn’t do that research but it has been in effect for several years. It has been in effect for at least 10 years but there have been other issues that have been presented to the County Commissioners specifically on point of utilizing pond water because the County did have a situation where a property was sold that were utilizing pond water and it did not meet the County’s minimum requirements. It was appealed and it went before the County Commissioners and they upheld the requirements that are set forth in the Sanitation Code today.

D. Stottlemire asked Staff if the Sanitation Code that was adopted before had to be approved by KDHE before it was adopted by the County? So KDHE approved the Code even if they thought it was wrong.

Staff stated that yes the current Sanitation Code was approved and adopted by KDHE before it was adopted by the County Commissioners. The County could not adopt the Sanitation Code until it had the signature of the Secretary of the Kansas Department of Health and Environment stating they had approved it. It is not just the County’s regulations, KDHE must review the amendments to the Code and approved them.

D. Brown, County Counselor, stated that he doesn't have KDHE's Regulations in front of him so he doesn't know what their minimum regulations are. I would, however, guarantee you that they would not preclude a County from going above and beyond what their minimum recommendations are because in theory you are making the water or whatever safer. The County is not some out liar, Douglas, Shawnee, Lyon and Miami County all have the same requirements. These are just the four Counties he contacted off the top of his head. He would suspect that there were a lot of other Counties that are regulating water supplies. Please keep this in mind when you are making your decision and recommendation this evening.

Rocky Fler, 1016 N. Poplar, stated that she feels that this is micro managing peoples' lives.

D. Stottlemire stated that he knows that she was a City Commissioner for a number of years and wanted to know if the City allows residents to use ponds or rain barrels as a potable water supply within the city limits.

R. Fler stated that they have a lot of rain barrels out there.

D. Stottlemire stated that residents are not allowed to have a rain barrel unless they meet City guidelines. You just can't go use one without getting the City's permission and meet their Code requirements first.

R. Fler stated that is correct and you have to purchase the barrel from the City.

D. Stottlemire stated he owns several properties within the City of Ottawa and they have never said they could build a pond or use a rain barrel as a water supply in the home.

R. Fler stated that it seems like all the residents within the City limits get their water and electric utilities from the City of Ottawa. She feels that this is micro managing peoples' lives because what few rights people do have are starting to disappear and eventually the right to pick and choose what they want to do will soon disappear.

Vice Chair stated that he wanted to clarify that these amendments are actually broadening the rights not inhibiting the rights. The Vice Chair closed Public Comment.

Board Discussion. The Vice Chair opened Board Discussion. D. Stottlemire stated that he can only remember one time this matter has come up in the last 17 years. The County is attempting to loosen the regulations not tightening them.

Vice Chair stated that either last month or before, holding tanks came up because someone had. It was during a special use permit item we were addressing.

Staff stated that it was a sanitation system at Camp Chippewa.

D. Stottlemire stated that this amendment involves holding tanks for drinking water and not sanitation. I can only remember one drinking water case in 17 years that involved these regulations. There may have been more cases out there but they never came before the County Commissioners.

K. Jones stated that he read through the minutes of what happened last month since he was not able to attend. He is all for liberty too because government overage drives him crazy. He was intrigued by the discussion at last month's meeting. What is being changed right now isn't addressing what Mr. Goodell brought up. The items Mr. Goodell brought up is already in the adopted Sanitation Code but can be brought before the County Commissioners and dealt with at a later date. The County Commissioners specifically requested that the Planning Commission address these particular items. Would it be wrong for the Planning Commission to add additional amendments to what the County Commissioners requested? If someone poisoned a public water supply and the people who were drinking out of their ponds were fine but the ones that were drinking out of the public water supply got poisoned, that would be wrong. So having a secondary water supply is important. I am assuming that someone proposed something in Douglas County or Miami County and when Franklin County heard of those changes then we just adopted those same changes because they made sense. Now citizens are coming to the Board saying that we are taking away rights. Most people are responsible enough to check their water supply

before they drink it. I understand the idea of having a potable water supply yet at the same time I don't want to take away enabled rights. If someone comes into my City and they are thirsting for water and haven't had anything drink for 4 days and I catch them drinking out of my pond, I am not going to tell them that they can't do that. It is fine to adopt the proposed amendments but maybe in the future we look at these other issues when the County Commissioners ask us to or we can bring it up and talk about later.

Staff stated that it can either be recommended by the County Commissioners or the Planning Commission and can be discussed at a later date. The County Commissioners are the Board that is responsible for the Sanitation Code and they have brought this to the Planning Commission as a courtesy because of the current policies that are in the Comprehensive Plan and Zoning and Subdivision Regulations and has been submitted to the Planning Commission for a recommendation. If there are other issues that the County Commissioners feel needs to be addressed, then they can refer the Sanitation Code back to the Planning Commission in the same manner as they referred this one back.

K. Jones stated so a citizen could bring this matter before the County Commissioners and then they could refer it back to the Planning Commission.

Staff stated that if the County Commissioners felt it was an important enough issue, then they could redirect that back to the Planning Commission for further consideration just as they did the matter before you this evening.

Vice Chair stated that the Planning Commission wouldn't even be discussing the Sanitation Code if it weren't for number 2 on page 7, which is ultimately the change that is being considered this evening. This Code has been adopted for several years and no one has brought up any issues until the existing holding tank or cistern situation come up.

R. Bowers stated that we are talking about a water supply for residential use. We are not talking about someone coming to town and needing a drink so they drink out of a puddle and then they get fined. We are not talking about that. We are talking about building a home and having a viable water supply for that home. Now, if something happened to that water supply, you would still have a viable water supply according to the County Regulations even if you do go out and drink out of your pond as a secondary source. This is not considering rain barrels to water gardens, it is for a residential water supply period. All that is being amended this evening is for residences that are out there that do not have a viable water supply by a public water district or water that they can drill a water well that would meet KDHE requirements to continue use of their current water system. That is all that is being considered this evening.

S. Valencia stated that the proposed amendments address what the County Commissioners requested the Planning Commission to consider. If they wanted us to look further into the Sanitation Code, then we could later. The Vice Chair closed Board Discussion.

The Vice Chair asked for a motion. S. Valencia made a motion to recommend that the County Commissioners adopt the amendments to Chapter I, Article 4, Section 5 and Chapter III, Article 1, Section 5.C as written. The motion was seconded by L. Spencer. Vice Chair called for a roll call vote.

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

Motion carried 6-0-1 Abstain.

4. Re-establish the Official Zoning Map for those properties previously shown in the "Urban Growth Area".

Staff Presentation: The Vice Chair opened Staff Presentation. Staff stated that this is a request that was generated by Staff through the actions of the County Commissioners when we discontinued the Interlocal Agreement with the City of Ottawa for the Urban Growth Area. The Interlocal Agreement was done 10 years ago and the County did not renew that in accordance with Section 10 of the Interlocal Agreement. It was then determined that the County would need to re-establish our Zoning. After reviewing this, it was determined that we did not really grant away our Zoning Map, we merely extended to the City of Ottawa the opportunity for them to rezone and enforce zoning for that area that was designated within the Urban Growth Area. Essentially what is being done this evening is re-applying the zoning that was previously there in 2006 when the County entered into the Interlocal Agreement with the City of Ottawa, with a couple of exceptions. One of those exceptions is something that the Planning Commission gave consideration to this evening and the other was shown on a hand out that was distributed earlier this evening. This involves the Animal Shelter that is located out on K-68 Highway, just East of the I-35 interchange. That was approved for Light Industrial Zoning through the City of Ottawa and the Animal Shelter consequently was constructed. Rather than make it a situation where it might be considered non-conforming, (although the previous County zoning was R-E (Residential Estate), which allows dog kennels subject to a Special Use Permit). Staff felt it was necessary to modify the County Zoning to be consistent with what the City actions have done. Staff recommends that the Planning Commission give consideration to making that modification as shown on the handout that was distributed earlier this evening. This would include the provision for the Prairie Paws property that were acquired that is adjacent to the Veterinary Clinic. Those are the two modifications from the zoning that was otherwise in force and effect throughout the County on the adopted official County Zoning Map in 2006. Staff has nothing further unless the Planning Commission has any questions. Staff recommends that the Planning Commission forward a recommendation to the Board of County Commissioners to re-adopt the Official County Zoning Map reflecting the zoning that was in force and effect as provided in 2006 for those properties previously shown in the "Urban Growth Area" with the exception of the two that we have just recommended, the 10.00-acre tract located on the Wright property and the rezoning of the Prairie Paws Animal Shelter facilities located out on K-68 Highway.

D. Stottlemire asked what happens to the rezoning of the 40-acre tract across from the C&D landfill.

Staff stated that was approved by a Special Use Permit, it wasn't rezoned. It would go back to Agriculture. This matter had to get the approval of KDHE and had to meet a lot of environmental issues that satisfied the City's criteria. Those criteria are the exact same criteria that would be required if it had been a County facility located within the provisions of the County Zoning Regulations. It went through the exact same procedures with the City of Ottawa that the County would have required.

D. Stottlemire stated that nothing would change until they break ground or make a determination that it would go forward.

Staff stated that the C&D landfill is essentially approved. The County would still recognize it because it does have the approval of a Special Use Permit and there would be no reason to take it back through the process because it has already been subjected to the provisions of KDHE and reviewed and accepted by them. It already met all the environmental concerns that are part of a landfill operation even though this is just a C&D Landfill. The Vice Chair closed Staff Presentation.

Public Comment: The Vice Chair opened Public Comment. Rocky Fleer, 1016 N. Poplar, stated that she was on the City Commission when the Interlocal Agreement was approved. She heard a lot of complaints about giving the City control over the Urban Growth Area. She thinks the County does just as good a job at enforcing the Codes as the City does. She believes that the Urban Growth Area should stay under County jurisdiction. Several people will appreciate the County taking back control of the Urban Growth Area. The Vice Chair closed Public Comment.

Board Discussion. The Vice Chair opened Board Discussion. K. Jones asked D. Stottlemire if he opposed this agreement back in 2006.

D. Stottlemire stated he voted against the Interlocal Agreement back in 2006. The Vice Chair closed Board Discussion.

The Vice Chair asked for a motion. D. Stottlemire made a motion to recommend that the County Commissioners re-adopt the Official 2006 Zoning Map for those properties previously shown in the Urban Growth Area with the exception of the 10.00-acre Wright property to R-E and the Prairie Paws Animal Shelter property to I-1. The motion was seconded by R. Bowers. Vice Chair called for a roll call vote.

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

Motion carried 7-0.

NON-PUBLIC MEETING ITEMS:

There were none.

PUBLIC COMMENT SECTION:

Chair closed Public Comment.

The Vice Chair opened Public Comment. There were none. The Vice

GENERAL BOARD DISCUSSION:

The Vice Chair closed Public Comment.

The Vice Chair opened General Board Discussion. There were none.

CALENDAR:

The next Planning Commission Public Meeting will be held **Thursday, September 15th, 2016, at 6:30 p.m.** in the **COUNTY COMMISSIONERS MEETING ROOM IN THE ANNEX BUILDING.**

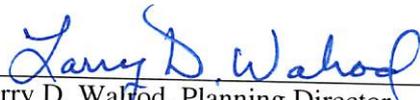
ADJOURNMENT:

With no further business to discuss, L. Spencer made a motion to adjourn. S. Valencia seconded the motion. All voted in favor 7-0. The meeting was adjourned at 7:19 p.m.

Attest:



R. Welton, Vice Chair



Larry D. Walrod, Planning Director