

BUTLER COUNTY PLANNING COMMISSION

Scheduled Meeting
October 5th, 2020
Butler County Courthouse-4th Floor
205 W. Central
El Dorado, Kansas 67042

MINUTES

The scheduled meeting of the Butler County Planning Commission began at 7:00 p.m. on Tuesday, October 5th, 2020 on the 4th Floor of the Butler County Courthouse located at 205 W. Central in El Dorado, Kansas.

Chairman: Jim Ralston

Members Present: David Greene Jr., Kristi Sullivan, Kermit Frey, Andy Jones

Members Absent: Jeff Varner, Jeremy Sundgren, Bryce Flaming

Guests: Roger Cutsinger, Bob Broyles, Charles and Linda Shumate, Brad Thorne, Kimberly Veley, Steve and Char Grisham

The meeting was called to order and a quorum was declared

Approval of the October 6th, 2020 Planning Commission Agenda

Motion: Andy Jones

Second: Kermit Frey

Approved

Approval of the September 1st, 2020 Planning Commission Meeting Minutes

Motion: Andy Jones

Second: David Greene Jr.

Approved

Old Business:

None

New Business:

PL 20-08

Request for a Mortgage Split with APO Provisions

Applicant/Owner: Joseph Greene

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 0 NW Hwy 77, El Dorado, KS

Discussion: Staff recommends approval

David Greene Jr. stepped down for this case

Staff: This is a request for a Mortgage Lot Split. The applicant owns 152 +/- acres and the current zoning is AG 80. He is proposing to split a 6 +/- acres tract of land and placing a 74 +/- acre APO on a portion of the remaining property. The property is primarily used for farming activities.

Roger Cutsinger is present for comments or questions.

No further questions or comments were made

Motion: Kermit Frey

Second: Andy Jones

Abstained: David Greene Jr.

Action: 3-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

PL 20-07

Request for a Homestead Lot Split with APO Provisions

Applicant/Owner: Marcella Arbuckle

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 1309 SW Butler Rd., Benton, KS

Discussion: Staff recommends approval

Staff: This is a request for a Mortgage Lot Split. The applicant owns 25 +/- acres and the current zoning is AG 40. She is proposing to split a 5 +/- acre tract of land and placing a 20 +/- acre APO on a portion of the remaining property. The property is primarily used for farming activities.

Roger Cutsinger: The applicant has an existing residence on the property; I believe it sits off of Butler Road and I did turn in the proper APO that goes along with the Homestead Lot Split.

Board: I am just wondering why we are placing a 20 acre APO on the property.

Staff: I think it has to do with the financing so it is the Bank that is requiring this.

Board: But why require an APO on the property when it is 20 acres and the property is zoned AG 40?

Roger Cutsinger: This is a legal non-conforming lot of record, that's why it is zoned as AG 40 even though it is only a 20 acre tract of land.

Staff: Nothing really changes since it is just for the purpose of financing.

No further questions or comments were made.

Motion: Andy Jones

Second: Kristi Sullivan

Action: 4-0

To be heard before the BOCC on October 27^t, 2020 @ 9:00am

PL 20-09

Request for a Homestead Lot Split with APO Provisions

Applicant/Owner: Donovan Claassen

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 10249 NW 120th St., Whitewater, KS

Discussion: Staff recommends approval

Staff: This is a request for a Mortgage Lot Split. The applicant owns 83 +/- acres and the current zoning is AG 80. He is proposing to split a 5 +/- acre tract of land and placing a 75 +/- acre APO on a portion of the remaining property. The property is primarily used for farming activities.

Roger Cutsinger: The applicant is splitting off that tract to build his home and I am providing you with the APO for the 80 acres.

Roger Cutsinger is present for comments or questions

No further questions or comments were made.

Motion: Andy Jones

Second: David Greene Jr.

Action: 4-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

VC 20-02

Request to vacate a Utility Easement

Applicant/Owner: Brad and Rosalie Thorne

Agent: NA

Location: NE 73rd Ct., El Dorado (General Location)

Legal: Lots 6 and 8, Block 2 of Wildlife Estates, a Subdivision located in the Section 29, Township 24, Range 6E of the 6th PM, Butler County, KS

Discussion: Staff recommends approval

Staff: This is a request to vacate a Utility Easement. They own property on both sides of the Utility Easement between lots 6, 7 and 8 in Wildlife Estates. No Utilities have been placed in the easement and there are no future plans to do so. Since there are no plans to place any Utilities into that easement, granting the vacation would not create a hardship on surrounding landowners. We notified all the Utilities in the area and received no comments or feedback which means they must be comfortable with the vacation request. If the request is approved, it will be noted and recorded with the Registry of Deeds.

Brad Thorne: We are asking for the Utility Easement vacation because we would like to build our house up there.

No further questions or comments were made.

Motion: Andy Jones

Second: Kristi Sullivan

Action: 4-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

RZ 20-14

Request for a Zoning Change from AG 80 to RR Zoning District

Applicant/Owner: Melvin Johnson

Agent: Roger Cutsinger, Savoy Company P.A.

Location: 0 NW Hwy 77, El Dorado, KS

Discussion: Staff recommends approval

Staff: This is a request for a change in zoning classification from AG 80 to Rural Residential (RR). The applicant owns a tract of land consisting of 151 +/- and is proposing to rezone approx. 10 +/- acres which would then allow him to potentially split the property into 2 tracts and allow a single family residence to be built on one of the tracts. The surrounding area consists of AG 80 and RR. The proposed change in zoning may or may be considered detrimental to the area. There are no changes or changing conditions in the area that would make the proposed zoning change necessary; the request merely arises from the desire of the applicant. Staff feels the change in zoning would not necessarily have a negative effect on the surrounding area since the new tract would be similar in size to what is already there. There will be access to public water and a private sewer system will need to be constructed. The property is located on a paved road and electricity is provided by Butler REC. The property is located outside of the Urban Growth Area.
Roger Cutsinger is present for comments and questions

No further questions or comments were made.

Motion: Andy Jones

Second: David Greene Jr.

Action: 4-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

RZ 20-13

Request for a Zoning Change from AG 40 to RR Zoning District

Applicant/Owner: Mark Koontz

Agent: NA

Location: 1328 SW Ohio, El Dorado, KS

Discussion: Staff recommends approval

Staff: This is a request for a change in zoning classification from AG 40 to Rural Residential (RR) on 51 +/- acres which would then allow him to develop the newly zoned tract into Single Family Residential Properties. The surrounding area is a mix of AG 40 and RR with the City Limits of Towanda being just to the west. There could be perceived changes or changing conditions in the area that could make the rezone necessary but in this case it arises merely from applicants desire to do so. The proposed zoning classification may not necessarily have a detrimental effect to the area since the new tracts would be similar in size to what is already there. The RR request would allow for more development than what is allowed under the AG 40 classification. If this request is approved, there would be potential platting and building additional Single Family Homes. The property has access to public and a private sewer system would need to be constructed and electricity would be provided by Evergy. SW Ohio is a paved major County Arterial Road as well as State Highway 254.

The applicant is present for comments or questions

Board: He will still have to come back with a plat right?

Staff: He can split it once but other than that, he will to go through the preliminary and final platting process.

No further questions or comments were made.

Motion: Kermit Frey

Second: Kristi Sullivan

Action: 4-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

CU 20-03

Request for a Conditional Use Permit for an Oil Storage Tank

Applicant/Owner: James Corbin Trust and Tallgrass Pony Express Pipeline LLC

Agent: NA

Location: 4992 SW Buffalo Rd., Towanda, KS

Discussion: Staff recommends approval

Staff: This is a request for a Conditional Use Permit to install a 150,000 Barrel Crude Oil Storage Tank at 0 SW Buffalo Rd in Towanda which is located south of the Kansas Turnpike and SW Buffalo Road. There is a pump station in the area which was approved for a Conditional Use Permit. The Trust owns a 75 +/- acre tract of land which is used for farming activities. In 2013 Tallgrass Pony Express Pipeline LLC approached the Trust back in 2013 to obtain the site for the Pump Station and applied for and obtained a Conditional Use Permit. Tallgrass Energy owns and operates an approx. 830 miles crude oil pipeline that runs from Wyoming to Cushing OK and passing through Butler County. Cody Wagoner with Tallgrass is here and can explain more about the pipeline. It is important to note that no truck loading or off-loading is proposed as part of the project. I want to stress that because such activity could potentially impact the adjacent property owners. The property is zoned AG 40 and allows for some development and is located inside the Urban Growth Area. The use proposed would not necessarily be consistent with the regulations but since the project will not cause an increase in traffic and is associated with the existing pump station, it may not be detrimental to the area.

The Planning Commission may recommend approval of a Conditional Use and the Board of County Commissioners may approve such Conditional Use using the following factors as guidelines:

- 1) Whether approval of the Conditional Use would be consistent with the intent and purpose of these regulations:

Staff: The property is zoned AG-40. The intent and purpose of the zoning regulations as they apply to AG-40 zoning classification is to allow for some development in rural areas and inside the Urban Growth Area (UGA). It is suitable in rural locations inside the UGA where adequate public roads and public serves are available.

It is not necessarily whether the proposed use is consistent with the intent and purpose of the zoning regulations, but rather, whether the proposed use is appropriate for the area in which it is located.

In this instance, staff feels the use proposed would not necessarily be consistent with the intent and purpose of the regulations but since the project will not create an increase in traffic, and is associated with the existing Pump Station, it may not be a detriment to the area.

The property is located on SW Buffalo Rd, and inside the Urban Growth Area of the County.

- 2) Whether the location of the proposed use is compatible to other land uses in the surrounding neighborhood:

Staff: Based upon the type of use proposed and if operated in the manner proposed by the applicant, and in accordance with any other conditions that might be placed upon it. Its impact upon the surrounding properties would be minimal.

The land currently has farming activities occurring on the property.

- 3) Whether the proposed use places an undue burden on the existing transportation and service facilities in the area affected and, if so, whether such additional transportation and service facilities can be provided:

Staff: As mentioned, the property is located in an AG-40 zoned area. There will be some increase in traffic to and from the site during the construction phase of the project but it should not impact the neighbors. Staff will also be recommending that a Road Maintenance Agreement between Tallgrass and the Trust be signed as one of the Conditions.

- 4) Whether the proposed use is made necessary or desirable because of changed or changing conditions in the area affected:

Staff: There are no changed or changing conditions in the area. The applicant is merely proposing to use the site for the construction of an Oil Storage Tank to increase flows and capacities in its infrastructure.

- 5) The length of time the subject property has remained vacant or undeveloped as zoned; (the use of land for agricultural purposes shall be considered as viable use of the land and not be considered as allowing the land to be vacant or undeveloped):

Staff: As noted earlier the property has been farmed for years.

- 6) Whether the applicant's property is suitable for the proposed use:

Staff: It is felt the property is suitable for the proposed use. The nature of the use of the land will change; there will be additional traffic to the site during the construction phase but no significant increase in outdoor activity that could impact any neighboring properties.

- 7) The recommendations of professional staff:

Staff: Staff feels the proposed use could be appropriate if certain conditions are met and recommends approval.

- 8) Whether the proposed Conditional Use would be in conformance to and further enhance the implementation of the county's Comprehensive Plan:

Staff: This particular site is inside the Urban Growth Area of the County as noted in the Butler County Comprehensive Plan.

The Comprehensive Plan stipulates that the property is inside the UGA. Many uses, even with an AG-40 designation, could be considered a commercial use therefore staff feels the use proposed could be considered to be in conformance with the Comprehensive Plan.

- 9) Whether the relative gain to the public health, safety, and general welfare outweighs the hardship imposed on the applicant by not upgrading the value of the property by approving the proposed Conditional Use:

Staff: Staff feels the hardship issue is irrelevant in this case. Zoning Regulations have been upheld in Courts for a long period of time. The very nature of zoning regulations implies that the public good is served by not allowing certain uses in certain locations. To imply that they serve as a hardship by not allowing a certain use on any particular property is incorrect. When a person buys property, he/she is not guaranteed a use of that property other than what is allowed at the time they buy it.

- 10) Whether the proposed Conditional Use, if it complies with all the conditions upon which the approval is made contingent, will not adversely affect the property in the area:

Staff: It is felt the proposed use would not adversely affect the property in the surrounding area but is proposing the following Condition be placed upon the project:

- a) A Road Maintenance Agreement between Tallgrass, the Trust and Towanda Township will be in place to ensure any and all road issues are addressed after the completion of the project.

One more thing I would like to add to this is that we need to address lighting issues may have been one of the conditions when the pump station was put in and I believe it needs to be put in this one as well.

- 11) For uses as solid waste disposal facilities, including sanitary landfills, construction and demolition landfills and transfer stations, whether the proposed Conditional Use is consistent with the Comprehensive Solid Waste Management Plan for Butler County, and amendments thereto:

Staff: N/A

- 12) Such other factors as may be relevant from the facts and evidence presented in the application:

Staff: Staff visited the site and the impact to any adjoining landowners would be minimal if operated in the manner proposed.

Cody Wagoner, Tallgrass Energy: A short introduction of who we are. We are a pipeline company that transports, we do not extract or drill for oil and gas. We operate over 9000 miles of Pipeline, across 11 states mostly in the midcontinent region from the Rockies to Eastern Ohio. The El Dorado lateral was built in 2017 which was then an 8 mile extension off the main pipeline which follows I35 from our pump station to refineries. We are looking at expanding on to surrounding properties. The storage tank would be located to the south and is 150' in diameter and approx. 50' tall which is standard size. As far as "why here?" We have the existing infrastructure already in place. What is unique about your pipeline is that we are able to transport different types of oil. Refineries at different times may want different grades of Crude Oil based on market needs, which we are connected to on the source side from different areas. We have a little bit of a bottleneck when we flow into El Dorado and the refinery due to the size in pipe for the operation. This tank is merely for operation which would then allow us to continue to flow without having to choke down the pipe from time to time. It would act as a bladder so to speak,

that the oil would flow in to and then from there gets distributed to the refinery. It will make the operation much more efficient. There will be a secondary containment by constructing an earthen berm, a geo-synthetic liner that will go under the secondary containment area in the event that there should be a full release of the tank. We have a detention pond design as well to help with any kind of rain event that will minimize the impact of surrounding properties. As far as the increase of traffic; this is for the operation of a pipeline and are not proposing any kind of deliveries of off-loading on site, so there would be no increase in traffic other than during the construction phase of the project. We are willing to work the County and Township to address that with a road maintenance agreement to eliminate dust and any kind of damage to the road. As far as lighting, we will definitely make sure that there will be no glare from the lights at the site to the best of our abilities. Security; there is already a fence in place for security which we will extend to reach around the site of where the tank will be.

Staff: If I might add, Tallgrass will be working with DWR to obtain any required permits that may be needed since part of the property is in a floodplain.

Cody Wagoner: Yes that is also in progress. We are currently working on finalizing the drawn up plans of the site.

Board: Are you anticipating that later on you may add additional tanks to the area?

Cody Wagoner: At this no, this one is for the operation of the pipeline. It is not going to be a storage facility or anything like that. We are fairly limited on where we can run our pipeline since there is also a 3rd party pipeline that runs through the property as well. In the event that we would have the need to expand in the future, we would definitely come to the County to take that through the proper procedures again.

Board: Do you have employees that stay at the site regularly?

Cody Wagoner: Yes we do have 6 employees that will be on site to operate the pump station as well patrol the area.

Board: How does the storm water get from the retention areas around the tank in to the detention pond?

Cody Wagoner: When there is a significant rain event, there is a manually controlled valve that would be opened up. Before doing so, they will test to see if there is any oil in the water. We did change the design of the location of the retention pond from the original drawing and they would now be right next to each other, the tank site and the retention pond.

Bob Broyles, 5079 SW Buffalo Rd.: I remember when we came here when this project was first brought to the County; we were told there would be a small white concrete building where the pumping station was going to be and we are still waiting for this small white concrete building. My concern is that when the original pipeline was installed that we could have a water test done for our well and we sent the application in to get the water tested and it was returned to sender. I would like to have that on record that they will do a water test before this project starts. My other concern is light pollution, we like to look at the stars which is why we live in the country. I would like to have it on record also that there will not be any additional light pollution, I would appreciate that very much. Every time we have a major rain event, there is a lot of flooding that occurs on the west side of that property. The water stays there for quite some time and the County has done a lot of work to try and drain that off into Badger Creek but the last large rain event we had, that water sat there for a long time so I am happy to see that they are willing to do something with that. The other concern is during the construction of the original pumping station, water was drawn from Badger Creek without a permit from DWR and when I called and asked DWR, they said there was not one in place at that time. The permit was not secured before

they started doing that. Little things like that kind of bother me and also the fact that this will be a huge tank basically in my front yard. What will that do to my property value? Is the pipeline going to help to make up for any loss in property value because THEY put a tank in my front yard? Don't get me wrong, the people are very friendly, they are good neighbors, but these are concerns that I have. Unfortunately I am the only neighbor adjacent to the site so there aren't a whole lot of people to say much about it. It just seems as if it is snowballing. It started out with a pumping station, the pipeline into El Dorado so I would just like to have something in writing, that should get this project approved, as far as what they will do to reconcile some of these issues. I had a long list but I shortened it up. The dust from the construction vehicles, I like going for daily walks and I got dusted when the pumping station went in and I got dusted when the pipeline went in. So as you can see, there are a lot of things I am concerned about and I realize I am only one person. I have a wife and children and I am here to speak up for them as well. It is going to make the country look like an industrial park and I didn't move to the country to live next to door to an industrial park.

Staff: I do include in the information packet, dust control as well as the lighting issue. It states that all lighting on the site will be directed inward and downward to deflect the lighting from adjacent properties. As far as the permits for DWR, that is something that is out of our control; that would need to be addressed with DWR.

The Board asked for Mr. Wagoner to come up and address the concerns and some of the questions.

Cody Wagoner: We are willing to work with Mr. Broyles to address some of these concerns. Regarding the water well testing, we did, on our own account, do water testing sampling program along the full length of our pipeline when we did the construction to get baseline samples of adjacent property owners for our protection as much as the neighboring land owners. I can commit to sampling the baseline water level at this well.

Board: Just to be clear, you are saying that you will provide a baseline water sample from his existing well?

Cody Wagoner: That is correct, yes. In the matter of light pollution, we recognize that people that live in the country do want to look at lighting and we are certainly committed to making downcast and inward on site. I can't say there won't be any light pollution but we can certainly minimize it.

Board: Is there another option to secure the site other than lighting? Could you do motion detectors or something like that which would require no lighting?

Cody Wagoner: All of our facilities are lit, part of them have motion detectors as well but it's a deterrent. We have security along our facilities as well to remotely monitor our facilities. We have lighting on our distant sites and I am not sure if there are any regulations as far as the lighting goes and keeping them lit but the facilities are lit as a matter of practice.

Board: With the technology we have available today, I am not buying that there is not a way to secure the site without lighting.

Cody Wagoner: We do have fencing as well [inaudible] but between now and then, I can most certainly explore that a little further.

Board: I won't vote unless there is a tie but I would like it very much if there could be any other way to secure the sites other than with lighting. Even if the lighting is pointed away from his house, the tank is white and that light is going to bounce back. So maybe a low glow light or even motion detection with an alarm that goes off when someone is inside the fence. I myself don't see the need for lighting unless it is to see a catastrophic burst of the tank and that is

contained anyways so. The lighting is something we can control and I think we should do everything we can to preserve his way of life that he currently gets to enjoy.

Cody Wagoner: I will definitely explore other options to see what else can be done. The other items, yes it is in a floodplain, the pump station itself sits in that floodplain. There is a lot of work that is going in to the design of the site to assure that we are not impacting surrounding properties with our site. Any plans that are specific to this project will also be reviewed by the State. The permit, I do know that we have permits in place with DWR that allows us to draw water from a creek but I cannot speak on Badger Creek specifically, I can't speak to that. I do know that we are currently in the process to obtain the permit for the hydra testing that will allow us to pump the water from the creek. As far as the location of the tank placement, that is operational.

Board: I am not sure what watershed district you fall under but I know the federal government has started designating certain watersheds as high hazard dams and I don't know how that may affect you on watersheds upstream but I would say it is definitely something you may want to check in to.

Board: Another thing that Bob spoke about is a road maintenance agreement. I believe that is to return the road back to its previous condition. Would you be willing to add dust control to that during the construction of the project? Maybe a water truck on site, maybe a calcium chloride treatment at least past the gentleman's house? It can be pretty intense especially when you hit the dry time of the year like now.

Cody Wagoner: Most certainly, that is something that is part of our process that we have done in the past. We will work with the proper jurisdiction to make that possible.

Board: Can you work that into your contract with whomever is building the site?

Cody Wagoner: Well it depends on whether it will be us that will be responsible for it or the Township.

Board: I can tell you right now that the Township will not have the ability to do so. If this is going to happen it will be because you cause it to happen.

Cody Wagoner: We assume that responsibility, yes.

Board: I know you can't control everything but these are 2 things that you can absolutely control.

Board-Andy Jones: I will make a motion to approve case # CU 20-03 with the verbiage put in for dust control for this gentleman, a baseline water well sample test will be done prior to construction to his satisfaction and they explore all avenues of lighting outside of their general lighting plan with some kind of report to show us what they expect the glare will be, if that is possible.

Staff: That would have to be some kind of study after the structure is built.

Board: Normally people do this to prove they have sufficient lighting and any competent lighting contractor could provide that.

Board-Andy Jones: Or at least some kind of a statement that says we are requiring x, y and z for security lighting purposes. I get some illumination for security purposes of what they expect the lighting to be when maintenance is required after hours but there is a different kind of illumination for security illumination.

Staff: I agree with what you are saying but I can't speak for the applicant.

Cody Wagoner: I am not sure what the exact requirements are from DOT, I really do not know but I am sure we can get by with minimal lighting around the base of the tank with some type of

motion detection sensors. We will certainly go back and get the answers to see what the lighting may need to be.

Board: Have those ready and available by the time the next meeting is?

Cody Wagoner: Yes

Board: I know the tank isn't high enough in the air that you will need a red light or a strobe light but will you be putting up some type of antenna for communication purposes?

Cody Wagoner: No we are not. We have existing infrastructure with the existing site that is there for communications. There will be no need for any antennas higher than the tank.

Recap for the motion that was made by Andy Jones

The motion is made to approve case # CU 20-03 with the following conditions:

1. Provide study for security and neighbor DOT regulations
2. Water well testing
3. Dust Control
4. Road Maintenance

No further questions or comments were made.

Motion: Andy Jones

Second: Kristi Sullivan

Action: 4-0

To be heard before the BOCC on October 27th, 2020 @ 9:00am

Staff: I will mail everybody a copy of the staff report to the County Commission meeting so you can see the language in it with the motion and the conditions.

***** MEETING ADJOURNED*****

The Chairman then opened for a case to be heard by the Board of Zoning Appeals

SE 20-01

Request for a Special Event Permit for temporary construction parking and equipment staging

Applicant/Owner: James Corbin Trust and Tallgrass Pony Express Pipeline LLC

Agent: NA

Location: Buffalo Rd., Towanda

Discussion: Staff recommends approval

Staff: As part of the request for the Conditional Use Permit, Tallgrass is also requesting approval for a Special Event Permit to utilize approx. 8 acres of property owned by the James Corbin Trust as a staging area for equipment and materials for the construction of a 150,000 barrel crude oil storage tank. The property is located just to the west across Buffalo. The trust owns approx. 74+/- acres of which 14 is located on the SW corner of Interstate 35 and SW Buffalo. The anticipated length of construction is to be approx. 6-9 months based upon an estimate that was provided by Cody Wagoner and operations will only occur during the daylight hours. Traffic control signage will be utilized for construction crew walking from the staging area to the construction site across the road. The nature of this request implies that it will be temporary in nature, therefore staff has determined for them to be considered Type 5 Special Event. This type

of classification, per the County zoning regulations, includes temporary uses such as temporary asphalt mix or concrete batch plants which are set up for the duration of a specific construction project. It was felt this would be the proper consideration for the proposed staging yard as well due to their temporary nature. Normally, Special Event Permit applications of this nature do not come before the Planning Commission. They are considered at a public hearing held by the Board of County Commissioners. In this particular instance, it was felt that it would be cleaner to consider it at a public hearing held by the Planning Commission since the Planning Commission would also be holding a public hearing to consider approval of a Conditional Use Permit for the Crude-Oil Storage Tank.

As mentioned previously, Special Event Permit applications of this type are typically considered by the Board of County Commissioners. These types of applications go through what is basically an abbreviated Conditional Use Permit process and are used to consider uses that will be temporary in nature. This allows the County to consider requests for specific construction projects that are on a time sensitive project life.

In this particular instance, since the Planning Commission is considering a Conditional Use Permit for a Crude-Oil Storage Tank, staff felt it would be appropriate to hold a public hearing for the Special Event Permit at the same meeting the Conditional Use Permit would be considered.

Cody Wagoner: We need an area for contractors to park and then essentially stage the equipment and machinery. Once construction is completed, the property will then be turned back over to the Property Owner, James Corbin Trust.

Board: You say daylight hours but is that Monday through Friday or also the weekend?

Cody Wagoner: This could be 6 days a week if not 7 days. It just all depends on weather and other reasons that may cause us to carry over in to a Sunday.

Board: If approved along with the other permit, how soon would this start?

Cody Wagoner: Construction could start as soon as November but again, it is also weather dependent. November is not certain though.

Board: The verbiage we put in on the Conditional Use Permit case, will there also need to be verbiage in this case?

Staff: We can include it if you would like.

No further questions or comments were made.

Motion: Andy Jones

Second: Kermit Frey

Action: 4-0

This is a final vote and will not go to the BOCC

***** MEETING ADJOURNED*****