

Jackson County Planning Commission Meeting Minutes

October 11, 2007

I. Call to order

Bob Marney called the October Meeting of the Jackson County Planning Commission to order at 7:00 pm.

II. Roll call

Members present included; Bob Marney, Joe Conley, Don Schuyler and Bernie Clark. Also present was Darrin Reith, Marilyn Snider, Brian Bawden and approximately 30 members of the community.

III. Approval of minutes from last meeting

Joe Conley made a motion to approve the minutes from the September Meeting as Typed.

Bernie Clark seconded the motion

All present voted in favor of approving the September Meeting Minutes.

IV. Open issues

Application submitted by Brian Bawden for a change of zoning from A-1 to A-2

Darrin Reith introduced the application, stating that Mr. Bawden's property was located on A4 road just south of 158th road, in the Southwest corner of the county.

Mr. Bawden stated that he intended to open an RV park on his property, and that the size of the lot was approximately 7 acres.

Bob Marney opened to public discussion.

Caroline Kern voiced her approval for the application.

Greg and Joann DeVader voiced opposition, stating concerns about the condition of the road and increased traffic.

William Baumchen called in concerns that were read by Darrin Reith. William stated that there were already several RV parks in Emmet. He has cattle right across the road and is worried about the increased traffic.

Bob Marney closed to public comment.

Joe Conley asked how many units were planned.

Brian Bawden replied that initially ten (10) spaces would be provided.

Joe Conley asked how water was to be provided.

Brian Bawden said that a new well would be dug to support the camp sites.

Bob Marney asked about septic

Brian Bawden said he planned a lagoon system.

Bob Marney asked about road access.

Brain said that he would request to access points to A4, and that they would be wide enough to accommodate campers and RV's coming in and out.

Don Schuyler asked which tier group this property was located on the Future Land Use Map.

Darrin Reith said that it was Rural Density Development.

Don Schuyler ask if it was an RV park or Mobile Home Park

Brian Bawden replied that there would not be any long term stays, it would be an RV park.

Don Schuyler stated that commercial and or industrial zoning could not be allowed in this tier group as per Jackson Counties' Comprehensive Plan.

Don Schuyler made a motion to deny the application.

Bernie Clark seconded the motion.

All present voted in favor to deny the application.

Application submitted by Marilyn Snider of Delaware Joint Watershed District #10 for a change of zoning from A-1 to B-I for the inundation area below watershed structure D-34.

Darrin Reith introduced the application. The location of structure D-34 is North and West of the city of Denison.

Marilyn provided maps of the breach inundation area, passed them out to the public.

Bob Marney asked if everyone had a good grasp of what breach impact zoning was. The general response was no. Bob Marney read through the regulations pertaining to the Breach Impact Zoning District.

Bob Marney opened for public comment

There was some general comment as to if their whole property was affected.

Darrin explained that it was similar to a floodplain area, the only area affected was that area that was under the determined elevation.

Gary Bohnenkemper stated that this zoning would affect his house. His house is in the breach inundation area, and if his house was destroyed more than 50% then he would not be able to rebuild it.

Darrin Reith stated that if this zoning was approved and his home was destroyed by any means (flood, tornado or fire etc) than he would not be able to rebuild on that site, he would have to move his building site outside of the breach inundation area.

Scott Alford questioned why this wasn't addressed prior to the dam being put in.

Marilyn stated that there was not breach impact zoning prior to the dam being built.

Scott Alford stated that it didn't seem fair that 10 years later we are looking at negatively affecting people's property.

Donald Stewart raised questions on compensation for this 'taking'.

Don Schuyler asked if FEMA assistance would be available to this house if it were flooded due to the dam breaching.

Darrin Reith reiterated that it did not matter how the house was destroyed, that if it was destroyed more than 50% then it would not be able to be rebuilt.

A question was raised, why the area can't just be left the way it currently is, why does the zoning have to be changed.

Joe Conely stated that currently a person could decide to build a house in this proposed breach inundation area and if the dam did breach then you would possible have loss of property and or loss of life.

Donald Stewart refuted the statement that the county until recently did not have regulations for dams, when there have been national regulations for dam which are 10 foot or higher, which would apply to this dam.

Darrin Reith responded that there have been regulations on how to construct a dam but the county regulations that were referred to were regulations on the breach inundation area below the dam.

Donald Stewart asked again about compensation for this taking.

Darrin Reith stated that this is not a taking, it is just a further restriction on use.

Donald Stewart voiced his disapproval of this application.

Bob Marney closed public comment

The Commission had no further comment on the application

Bernie Clark made a motion to table the application to allow time to further answer the public's questions regarding the Breach Impact Zoning District.

Don Schuyler seconded the motion

All present voted in favor to table the motion until the November 8, 2007 meeting.

Election of Officers.

Don Schuyler made a motion to table the elections until next meeting in hopes of having a better turn out of the Commission.

Bernie Clark seconded the motion.

All present voted in favor of tabling the election of officers until the November 8, 2007 meeting.

V. Adjournment

Bernie Clark made a motion to adjourn

Don Schuyler seconded the motion

All present voted in favor of adjournment

Meeting Adjourned

Minutes submitted by: Darrin Reith

Minutes approved by: *Robert Marney*