

LAPAC Minutes 3/19/2019

Call to Order:

Roll Call : Cordelia Stone, Mandy Kotzman, John Schmid, David Rose, Noah Dalton, Alison Schonhoff,

County Officials Present: Rob Helmick, John Kefalas

Revision of minutes from the last meeting - Deletion of last part of December minutes that was not supposed to be included in February minutes - Mandy motions, Cordelia seconds

Unanimous approval - **Minutes Approved**

Staff communication: Ron updates LRM finalization, says litigation outstanding, update on moving water line.

John asks if LRM has been notified about community complaints, Mandy asks about process for communication to community.

Mandy said communication should have been a lot better about this water line.

Ron said even he was not notified the water line was being moved himself, but agreed communication should have been better.

John Kefalas - Brings resource guides for older adults. John Kefalas will be taking over Johnson's Laporte pizza meeting. Happens on Wednesday April 3rd.
Community conversations

John Schmid - Explained how Johnson often ran the meetings at Laporte Pizza.

Kefalas - Said any LRM concerns should be brought up so the correct people can be brought in to address specific concerns. Said specifically task force for oil and gas production is going to be addressed. Said senate bill 181 for oil and gas is a big deal and gives local governments much more say in specific site drilling and oil and gas production.

Rob - *Says some work depends on what happens with bill 181*

Said finally have full staff again so Leslie will be making decision as to who is the new liaison.

Committee Communication:

Noah - Question about Xcel high pressure gas line being repaired along 287.

Rob - Unaware of any such work, suggests calling them.

Agenda Item: Erickson planned subdivision to split the property in 2 halves

Rob - says it will be come before the commissioners answering Kefalas question regarding conflict of interest.

Mandy asks about odd shape. Applicant says it's due to the creek.

Applicant says they request separate access road.

Cordelia asks if planned subdivision is easier than special review.

Rob says no.

John asks if septic field placement has any rules / regs

Rob says generally no.

Health department does now require soil testing exactly where the septic system is placed.

Kefalas asks where in the land use code that it explains the planned subdivision process. Rob says around section 5.1 / 5.13 / 5.4

Noah so moves to accept the land use division as planned.

David seconds.

Motion passes unanimously.

David adjourns the meeting.

LAPAC recommends the land division be permitted as planned.

Visitors attending:

Robert Havis - talked about meeting this morning with a commissioner (Steve Johnson) signing a findings and resolutions document. Concerns that the document is not sufficient to require enforcement.

Matt Lafferty - says the documents purpose is that something is found during the meeting and a resolution is made to do something. A video is part of the public record and that would have to be dug up if questions ever arise to commitments made by the applicant.

Mandy - says this will be difficult given the large number of discrepancies present in the document.

John - asks about enforcement for 42 conditions that were outlined for LRM, specifically the access road.

Matt / Kefalas - discuss between themselves how to enforce proper access on good faith effort to access by 287 instead of CR54G

Robert - says findings may change based on the hearing and not throw out the entire list of conditions

Matt - says they can only make minor changes based on the board's initial decision and findings and resolutions simply documents the decision of the board.

David - asks if videos of the hearing can be seen online.

Matt - says yes

Robert - asks if findings and resolutions document can be seen online as well.

Matt - says yes

Second Public Appearance - John Martin

John Martin - Concerns about the fuller public site plan. John raised concerns about firewood splitting on the property and not fitting in the accessory rural occupations.

Samantha Mott - Interruption about commissioner needing to step out because this hearing may come before county commissioners

Susanne Cordery - also lives in rolling hills and concerns about accessory rural occupations, says rural occupation standards are too elastic. Asks LAPAC to be far less lenient on special exceptions.

Noah - questions Matt about whether accessory rural occupations are use by right

Matt - confirms most of these are rights, but suggests that they talk to Chad Graves about possible violations of the use by right conditions

General discussion by all guests that are depressed about Laporte pit decision and how commissioners blew through all the requests and responsibilities involved.

Agenda Item - Laporte Area Plan Revisions pg. 35-42

Mandy moves to start agenda discussion

Cordelia seconds motion

Unanimous approval to move into discussion item for the Laporte Area Plan audit discussion.

Group discussion - about how document needs to be regulatory before it's useful.

Matt - explains history of land use code and how you can't take back rights of property owners by having a future plan. Just an idea, but you can't take rights away.

John Kefalas - discussion on how to make the document regulatory

Matt - says to make the document regulatory commissioners would have to unilaterally decide to make the Laporte Area Plan a regulatory document.

Matt - says Laporte Area Plan has teeth, but only if you rezone the property

Matt - says special reviews can be interpreted many different ways and are ambiguous.

Alison - asks about legal definition of campaign contributions and whether commissioners have conflicts of interest

Mandy - suggests that altering the document will not have any effect. Says altering a plan may make something worse.

Leslie and Matt - explain zoning changes and how reducing zoning on properties is usually very difficult.

Matt - explains history of comprehensive plan downgrading that resulted in death threats so they changed their minds.

Mandy - makes suggestion about changes comprehensive plan. Specifically changes about measurable impact on communities.

Group discussion - about cumulative effects of mining operations.

David Rose - proposes that we should not plan on any land use changes and not schedule a meeting next month.

Alison - asks about requesting LRM for further conditions being met. Alison says we should be a further part of the process in the approval process.

Meeting adjourned without any plan changes

John Kefalas: commissioner elect, introduces himself and let us know when he is being sworn in January 2nd 8:30 AM

Ruth Wallack: Introduces herself as Laporte area resident. Said she is concerned about the Laporte area plan since it had been blown through by county commissioners during last mining special review.

Bob Havis: Former member of LAPAC, headed up first revision of Laporte Area Plan, said they needed plan to prevent lawsuits against special reviews, states LRM mining findings not accurate and/or misleading.

Staff Presentation: Discussion Item of Laporte Area Plan

Leslie - Says funding not present for 2019, but towards the later part of the year, there may be more staff and consultant time available to review current plan and see if it needs any changes.

Cordelia - Question about adopting the plan to have teeth versus just a reference document which what the plan is. Leslie says this is probably not easily possible unless the comprehensive plan enables more legal authority for the plan.

Noah - mentions the plan itself is not the problem, but the regulatory process behind that plan that is the issue in how special reviews are done at the county level

Leslie - requests specifics on updating Laporte area plan

John - asks if the plan can be updated to have specific changes to the plan to protect uses of specific homeowners.

Leslie - says that is possible.

Savannah - suggests getting Laporte survey that goes to certain addresses

John - says it would be a helpful to have stated plan of values for plan

Leslie - asks if board wants to spend time on it committee wise.

John - says plan overall is pretty good, but says zoning is a bigger deal.

Leslie - said that is up to the commissioners overall, but she will address the LAPAC request for proposal