

# MINUTES

## ADAMS COUNTY PLANNING & ZONING COMMISSION

### Regular Meeting

December 14, 2020, 7:00 p.m.

Adams County Courthouse

**Members Present, all via Zoom:** Al Becker, Julie Burkhardt, Dennis Nau, Mark Peterson, Joe Warner

**Members Absent:** Kip Kamerdula

**Others Present:** P&Z Administrator Wendy Green at the courthouse & via Zoom

**Public Present:** Russell Mink, Mink Land & Livestock, via Zoom

- 1. Call to Order:** Chairman Dennis Nau called the meeting to order at 7:05 p.m.
- 2. Review Agenda:** Julie Burkhardt moved to approve the agenda as presented; Joe Warner seconded; passed.
- 3. Approval of Minutes:** Administrator noted two typographical errors in meeting dates. Julie Burkhardt moved to accept the minutes of the November 30, 2020 regular meeting as corrected; Joe Warner seconded; passed.
- 4. New Business:** Chairman Nau opened the public hearing on the proposed rezone of the property at the landfill at 7:10 p.m.. Chairman asked if any commissioners had a conflict of interest and wished to recuse themselves; none did. Administrator read staff report into the record (attached). Chairman Nau asked for background details on the land exchange between the county and Mink Land & Livestock. Administrator and Russell Mink explained the planned exchange. Mink added that there are other items that were part of the discussion that need to be included in the agreement, including the allowance of continued livestock grazing in the rezoned area. The ordinance states that “all uses in the Industrial Zone are conditional uses.” Agreement with Mink L&L needs to specify that livestock use may continue in the rezoned area. Minks have not seen the written agreement. Green explained that Commissioner Mike Paradis has asked the title company to draft the deed and legal description; from that, the county prosecutor can draw up the agreement with Mink L&L. Chairman Nau closed the public hearing at 7:32. Mink explained that the county facilitated the conveyance of two 40-acre parcels from BLM to Mink L&L in January 2020. Mink deferred to Paradis to state the elements to which the county and Minks agreed verbally. Mink reiterated that he doesn’t believe the rezoning should be completed until the agreement has been executed. Al Becker moved to recommend approval of the rezoning contingent on consummation of the agreement to the satisfaction of Mink Land & Livestock. Mark Peterson seconded; Chairman closed the public hearing at 7:32. Motion passed with none opposed. Russell Mink left the meeting at 7:34.

**Chairman Nau opened the public hearing on repeal and replacement of the county floodplain ordinance at 7:35.** Chairman Nau asked if any commissioners wished to recuse themselves; none did. Administrator read the staff report on the proposed Adams County Flood Damage Prevention Ordinance (attached). Chairman Nau noted the need to specify a dollar amount in the value of damage to accessory structures in Article 5, Section B-6, Specific Standards. Commission agreed to the \$7500 recommended by State Floodplain Coordinator. Commission discussed the responsibility of the county to enforce this ordinance to regulate development and minimize losses in flood-prone areas. Al Becker inquired about the status of the Flood Insurance Rate Map. Administrator noted the existing FIRM and Flood Insurance Study are on file at the courthouse. Also, Adams County has been moved up to high priority for updating flood maps. FEMA has been collecting elevation data via Lidar and expects to begin updating our maps in 2021. Chairman closed public hearing. Chairman Nau moved to recommend BOCC adopt the floodplain ordinance as presented to replace Sec. 3-7 in Zoning Ordinance 2006-3; Al Becker seconded; passed, all in favor.

5. **Old Business:** Commission inquired whether any progress was being made in recruiting and appointing a commissioner to replace Royce Bauer and asked administrator to express their desire to BOCC to move ahead with an appointment.

Commission continued discussion of amendments to the zoning ordinance. Key items and concerns included the following:

- Add general language under Conditional Uses in ATG Zone similar to language developed for the other zones that replaces list of possible conditional uses.
- Do not create a new Rural Transition Zone at this time.
- Repeal & replace Resolution 2006-11 with paragraph inserted at beginning of Subdivision Ordinance: Owners of expansive tracts of land that are original parcels may create parcels of 640 acres or larger without regulation. Any further division of those parcels would require platting and Planning & Zoning review.
- Minimum parcel size in ATG is 160 acres. From an **original parcel, up to four** parcels of 160 acres or larger may be created with administrative review. Creation of five or more parcels requires subdivision platting and review.
- Existing **original parcels** that are already less than 160 acres could be divided one time. No new parcels of less than 40 acres can be created in the ATG Zone.
- An **original parcel** of less than 80 acres requires rezoning in order to divide further.
- Rezoning review will consider the location and productivity of the land, availability of roads and services, and suitability of converting from ATG use to development.
- A parcel that is not an **original parcel** cannot be further divided without rezoning, platting and subdivision review.
- Change language in subdivision ordinance to read “subsequent division.”
- Short-term rentals could be permitted in ATG, R-1 and R-2 zones under CUP.
- Amendments to the ordinance must comply with the Comprehensive Plan.
- Ordinances must support fiscally responsible growth. Low-density rural residential development does not pay for itself and places a burden on taxpayers.
- Submit these critical changes and those adopted by the commission in previous edits to the BOCC with a recommendation to adopt as soon as possible. Continue to work on updating the Comp Plan and ordinances with input from the public and BOCC.

Julie Burkhardt moved to forward this amended version to the BOCC for review with a request to expedite the public hearing process; Joe Warner seconded; passed with none opposed.

**6. Upcoming Meetings:**

Next Regular Meeting: January 18, 2021 at 7:00 p.m. **via Zoom**. If there is no response from BOCC to proposed amendments, the January meeting could be canceled.

Consider holding a Zoom “open house” in February to gather public input on comprehensive plan and ordinance amendments. This might be an opportunity to bring up the notion of creating a Rural Transition Zone for feedback.

**7. Adjournment**

Meeting adjourned at 9:15 p.m.

---

Chairman

---

Date