

September 17, 2019
Reno County Courthouse
Hutchinson, Kansas

The Board of Reno County Commissioners met in agenda session with, Chairman Bob Bush, Commissioner Ron Hirst and Commissioner Ron Sellers, County Administrator Gary Meagher, County Counselor Joe O'Sullivan and Minutes Clerk Cindy Martin, present.

The meeting began with the Pledge of Allegiance.

There were no public comments, no added items to the agenda, and no commissioner comments.

Mr. Hirst moved, seconded by Mr. Sellers, to approve the Consent Agenda consisting of the Accounts Payable Ledger for claims payable on September 20, 2019 of \$430,015.68 as submitted. Next item on the consent agenda was to approve minutes for August 6th, 13th, 13th Canvass Primary City Election, 20th, and 27th. The motion was approved by a roll call vote of 3-0.

County Planner Mark Vonachen gave explanation for Planning Case 2019-07 a conditional use permit request by Garber Leasing, Inc. (Daniel Garber, President) to establish a commercial use for a construction company, Richardson Brothers Construction. They were asking to put a 64X125 foot building, a 20X80 equipment storage building, and a fuel station with large equipment on the east side of the property currently zoned AG-Agricultural District. It was for three acres outside the city limits of Hutchinson north of the intersection of 43rd Avenue and Plum Street in a flood zone. The construction company has applied for a LOMR-F from FEMA to get the buildings out of the flood plain with fill dirt and is currently waiting on approval. The company has requested a drainage study be done to see what affect bringing in two feet of fill dirt on 1.9 acres would have, if any, to the residential area to the south and east of the property. Factor #4 of the regulations states they should have 16 parking spaces. They need ten for business and a loading space which they would not need so they requested a waiver on both. Mr. Vonachen went over the seven factors and conditions, stating the staff recommended denial because the Comprehensive Plan outweighs the factors. He was concerned about approving the conditional use permit without the LOMR-F approval in place.

Commissioner Hirst questioned #4 LOMR-F being for hazardous material on the permit. Mr. Vonachen stated no it was not for hazardous material, the LOMR-F was to exempt the construction site from the flood plain by bringing in fill dirt to lift them above the one-foot required height because they do not want to be in a flood plain.

Commissioner Sellers commented that the Planning Board may have been influenced by residents concerned about the project causing additional water in their neighborhood. Mr. Vonachen was also concerned about drainage and the company being in the flood plain with a fuel container possibly floating away leaving hazardous materials in its wake.

Mr. Vonachen went over the Planning Board's public hearing on August 15th where Mr. Daniel Garber represented the Richardson Brothers Construction's request. Mr. Garber presented two maps; one was for future land use from the City of Hutchinson and since the county has no future land use map, he had an existing land use map showing the area identified to be service commercial. He stated it was a possible oversight for service commercial because the existing land use is agricultural. He went on to explain the two maps more in detail for the Commission.

The Planning Board asked what the difference between a flood way and a flood plain was. Mr. Vonachen stated he was against approval because the permit went was not following the Comprehensive Plan. He stated that the property was in a flood plain and near a residential area that was within the city limits of Hutchinson and developed to city standards. Two residents came forward concerned about being affected by drainage and hazardous materials. He said the Planning Board was concerned about water quality since most of the residential area had their own wells. If you bring in fill dirt to elevate the project out of the flood plain, it doesn't mean they would be safe from flooding. The question was asked about putting a berm or dirt barrier for the 1000-gallon fuel tank being stored on the project site. The applicant volunteered to do a concrete wall around the fuel area. The Planning Board made a motion initially to approve the request with the seven factors and seven conditions and requested waivers, also to modify #4 but was defeated with a 4 to 2 vote to deny the permit. Then a motion was made to send to the governing body, the Commission, to approve the denial based on Mr. Vonachen's factors in his report and the vote was 5-1.

Commissioner Bush questioned the fill dirt to meet the requirement for a building to be out of the flood plain with one foot, and noticed the applicant was putting in two feet of fill. Mr. Vonachen replied that was correct. The minimum requirement is one foot above a base flood for structures, but the applicant was going to bring in two feet on 1.9 acres tapering off the edges.

Mr. Vonachen recommended the applicant have the LOMR-F in hand from FEMA approved before building so they would not run into issues in the future. He offered two more conditions if the Commission wanted to overturn the Planning Boards decision to deny. He recommended waiting to see if the drainage study showed zero effect on resident's properties and suggested a concrete barrier to contain any fuel, if ruptured, overtopped or valves damaged during a flood event. He said their tanks would be double walled but still may not have a leak not contained in the liner of the tank but in other areas.

Commissioner Hirst asked if the fuel tanks were double walled at Public Works. Public Works Director David McComb replied they had three fuel tanks, and all were double lined, however they did not have a containment wall in South Hutchinson since they were not in a flood plain.

Commissioner Bush was concerned about protecting against future hazardous materials with this Conditional Use Permit. Mr. Vonachen replied the company would have to apply again if changes were made from the current request. As far as the flood plain, if the LOMR-F and the Conditional Use Permit is approved, then they could potentially have all kinds of hazardous waste stored on the property.

Commissioner Sellers stated the two maps had importance. He said the old school had been changed into a commercial business and listened to the tapes of the Planning Board with the two concerns from residents on the drainage and the fuel tanks. He wanted to encourage the expansion of Economic Development in Reno County. In his opinion the seven conditions were adequate however, he wanted to make a motion subject to a drainage report being submitted to Mr. Vonachen and a fuel storage plan.

Mr. Sellers moved, seconded by Mr. Hirst, to approve the plan submitted by the applicant with seven factors and the seven

conditions that meet staff's approval. The motion was approved by a roll call vote 3-0.

Mr. Sellers moved, seconded by Mr. Hirst, the previous motion "as amended" was approved to include a drainage plan be submitted to Mr. Vonachen showing no negative affect to the surrounding area. Also, a fuel concrete containment area for the fuel system that would contain all the fuel when the tank was at full capacity as proposed by the applicant and approved by staff. Mr. Vonachen stated no permit would be issued until the LOMR-F was completed and approved. The motion was approved by a roll call vote of 3-0.

Commissioner Bush was still concerned about future protection for the hazardous waste in that area. Commissioner Sellers stated it was removed from the flood plain and drainage is acceptable. Commissioner Hirst agreed with the flood plain. Mr. Vonachen stated the applicant was not planning on other waste.

Horizons Mental Health Care Quarterly report by Michael Garrett. He went over year end financials and audit for FY2019, state issues, the Center updates, and reviewed a consumer satisfaction survey.

At 10:40 the meeting adjourned until 9:00 a.m. Tuesday, September 24th, 2019.

Approved:

Chair, Board of Reno County Commissioners

(ATTEST)

Reno County Clerk
cm

Date